



Arlington Zoning Board of Appeals

Date: Tuesday, March 11, 2025
Time: 7:30 PM
Location: Conducted by Remote Participation
Additional Details:

Agenda Items

Administrative Items

1. **Conducted by Remote Participation**

You are invited to a Zoom meeting on Mar 11, 2025 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting: <https://town-arlington-ma-us.zoom.us/join/6cYCBTMuRqaUmpBdhDCP1Q>

After registering, you will receive a confirmation email containing information about joining the meeting.

Per Board Rules and Regulations, public comments will be accepted during the public comment period during each public hearing. Written comments may be provided by email to ZBA@town.arlington.ma.us sent at least 48 hours prior to the start of the meeting.

Notice to the Public on meeting privacy In the interests of preventing abuse of video conferencing technology, all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will need to follow multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone using the dial-in information provided above.

2. **Member Vote: Meeting Minutes 11-12-2024**
3. **Member Vote: Meeting Minutes 11-26-2024**
4. **Member Vote: Meeting Minutes 12-10-2024**
5. **Member Vote: Meeting Minutes 01-14-2025**
6. **Member Vote: Meeting Minutes 01-28-2025**
7. **Member Vote: Meeting Minutes 02-11-2025**
8. **Member Vote: Meeting Minutes 02-25-2025**

Hearings

9. **Docket #3822 20 Pond Lane (continued)**
<https://arlingtonma.portal.opengov.com/records/205792>
10. **Docket #3830 39 Woodside Lane (continued)**
OpenGov link <https://arlingtonma.portal.opengov.com/records/204691>
11. **Docket #3835 28 Draper St (continued)**
Variance Application: <https://arlingtonma.portal.opengov.com/records/208296>

Special Permit App: <https://arlingtonma.portal.opengov.com/records/207646>

Meeting Adjourn



Town of Arlington, Massachusetts

Conducted by Remote Participation

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Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 11-12-2024



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 11-26-2024



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 12-10-2024



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 01-14-2025



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 01-28-2025



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 02-11-2025



Town of Arlington, Massachusetts

Member Vote: Meeting Minutes 02-25-2025



Town of Arlington, Massachusetts

Docket #3822 20 Pond Lane (continued)

Summary:

<https://arlingtonma.portal.opengov.com/records/205792>

ATTACHMENTS:

Type	File Name	Description
Reference Material	#3821_20_Pond_Lane_legal_ad.pdf	#3822 20 Pond Lane legal ad
Reference Material	3820_20_Pond_Lane_Application_SP-24-26.pdf	3822 20 Pond Lane Application SP-24-26
Reference Material	3821_20_Pond_Lane_Final_Memo_in_Support_of_Application_9-12-24.pdf	3822 20 Pond Lane Final Memo in Support of Application 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_A_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit A 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_B_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit B 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_C_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit C 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_D_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit D 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_E_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit E 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_F_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit F 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_G_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit G 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_H_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit H 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_H_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit H 9-12-24
Reference Material	3822_20_Pond_Lane_Abutter_List.pdf	3822 20 Pond Lane Abutter List
Reference Material	3822_20_Pond_Lane_Abutters_map.pdf	3822 20 Pond Lane Abutters map
Reference Material	Neighbor_letter_-20_Pond_Lane.pdf	Neighbor letter -20 Pond Lane -Creedon
Reference Material	Neighbor_Photos_20_Pond_Lane_-_Creedon.pdf	Neighbor Photos 20 Pond Lane - Creedon
Reference Material	Neighbor_letter_-20_Pond_Lane_-_Simader.pdf	Neighbor letter -20 Pond Lane - Simader
Reference Material	3822_20_Pond_Lane_Lt_to_ZBA_12-2024.pdf	3822 20 Pond Lane Lt to ZBA 12-2024
Reference Material	Lt_to_ZBA_1.7.25.pdf	Lt to ZBA 1.7.25
Reference Material	3822_20_Pond_Lane_2-4-25_Lt_to_ZBA_Tue_Feb_4_2025.pdf	3822 20 Pond Lane 2-4-25_Lt_to_ZBA_Tue
Reference Material	Waiver_of_Time_Constraints_Lt_to_ZBA_2-10-25(17843495.1).pdf	Waiver of Time Constraints Lt to ZBA 2-10-25 -Town Clerk Stamped
Reference Material	3822_20_Pond_Lane_Final_Supplemental_Filing_Tue_Mar_4_2025.pdf	3822 20 Pond Lane Final_Supplemental_Filing_Tue_Mar_4_2025
Reference Material	3822_20_Pond_Lane_Application_before_3-6-2025_SP-24-26.pdf	3822 20 Pond Lane Application before 3-6-2025 SP-24-26
Reference Material	Michael_Simader_-_Letter_to_ZBA_in_Opposition_to_the_Expansion_of_Commercial_Use_at_20_Pond_Ln.pdf	3822 20 Pond Ln Michael Simader -Letter to ZBA in Opposition to the Expansion of Commercial Use
Reference Material	3822_20_Pond_Ln_Updated_Application_3-10-2025_SP-24-26.pdf	3822 20 Pond Ln Updated Application 3-10-2025 SP-24-26



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.2 of the Zoning Bylaws that there has been filed, by **Pond Lane Realty LLC**, on September 12, 2024, a petition seeking to alter their property located at **20 Pond Land, Unit 2 - Block Plan 010.0-0004-0005.A**. Said petition would require a **Special Permit** under **8.1.1A** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening at 7:30 P.M on October 22, 2024, as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/zba-calendar> and choose the date of the meeting you wish to attend.

For documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/agendas-minutes>

DOCKET NO 3821

Christian Klein, RA, Chair
Zoning Board of Appeals

Please direct any questions to: **ZBA@town.arlington.ma.us**



SP-24-26

Special Use Permit
Application (ZBA)

Status: Active
Submitted On: 9/12/2024


Primary Location

20 POND LN Unit 2
Arlington, MA 02474


Owner

POND LANE REALTY LLC
C/O NICHOLAS BOIT; 32
HARBOUR DR N OCEAN RIDGE,
FL 33435

Applicant

 Douglas Troyer
 617-466-8236
 dtroyer@pierceatwood.com
 100 Summer Street
22nd Floor
Boston, MA 02110

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)**** 

Section 8.1.1(A) of the Zoning Bylaw.

Explain why the requested use is essential or desirable to the public convenience or welfare.*

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

Dimensional and Parking Information

Present Use/Occupancy *

Commerical Garage

Proposed Use/Occupancy *

Commercial Garage

Existing Number of Dwelling Units*

0

Proposed Number of Dwelling Units*

0

Existing Gross Floor Area (Sq. Ft.)*

3375

Proposed Gross Floor Area (Sq. Ft.)*

3375

Existing Lot Size (Sq. Ft.)*

9200

Proposed Lot Size (Sq. Ft.)* ?

9200

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

87.49

Proposed Frontage (ft.)*

87.49

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

0

Existing Lot Coverage (%)*

0

Proposed Lot Coverage (%)*

0

Max. Lot Coverage required by Zoning*

0

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

0

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

0

Minimum Lot Area per Dwelling Unit required by Zoning*

0

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

0

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning* ?
0

Existing Left Side Yard Depth (ft.)* ?
0

Proposed Left Side Yard Depth (ft.)* ?
0

Minimum Left Side Yard Depth required by Zoning* ?
0

Existing Right Side Yard Depth (ft.)* ?
0

Proposed Right Side Yard Depth (ft.)* ?
0

Minimum Right Side Yard Depth required by Zoning* ?
0

Existing Rear Yard Depth (ft.)*
0

Proposed Rear Yard Depth (ft.)*
0

Minimum Rear Yard Depth required by Zoning*
0

Existing Height (stories)
1

Proposed Height (stories)*
1

Maximum Height (stories) required by Zoning*
3

Existing Height (ft.)*
14

Proposed Height (ft.)*
14

Maximum Height (ft.) required by Zoning*
29

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

0

Proposed Landscaped Open Space (Sq. Ft.)*

0

Existing Landscaped Open Space (% of GFA)*

0

Proposed Landscaped Open Space (% of GFA)*

0

Minimum Landscaped Open Space (% of GFA)
required by Zoning*

0

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

0

Existing Usable Open Space (% of GFA)*

0

Proposed Usable Open Space (% of GFA)*

0

Minimum Usable Open Space required by Zoning*

0

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by
Zoning*

0

Existing Parking area setbacks

0

Proposed Parking area setbacks *

0

Minimum Parking Area Setbacks required by
Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

0

Proposed Slope of proposed roof(s) (in. per ft.)*

0

Minimum Slope of Proposed Roof(s) required by Zoning*

0

Existing type of construction*

0

Proposed type of construction*

0

Open Space Information

Existing Total Lot Area*

9200

Proposed Total Lot Area*

9200

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

0

Existing Open Space, Landscaped*

0

Proposed Open Space, Landscaped*

0

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

0

1st Floor, Proposed Gross Floor Area

0

2nd Floor, Existing Gross Floor Area

0

2nd Floor, Proposed Gross Floor Area

0

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

0



Total Proposed Gross Floor Area

0



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



Applicant's Signature*



Nick Boit

Sep 4, 2024

MEMORANDUM IN SUPPORT OF SPECIAL USE PERMIT APPLICATION

To: Town of Arlington – Zoning Board of Appeals
From: Douglas A. Troyer, on behalf of Pond Lane Realty, LLC
Re: 20 Pond Lane, Arlington, MA - Special Use Permit Application
Parcel Id No. 10-4-5.A
Date: September 12, 2024

Dear Honorable Members of the Zoning Board of Appeals:

This Memorandum is submitted to the Town of Arlington Zoning Board of Appeals (hereinafter the “ZBA”) on behalf of our client, Pond Lane Realty, LLC (“Applicant”) in support of its Application for Special Use Permit pursuant to Sections 8.1.1(A) and 3.3 of the Town of Arlington Zoning Bylaws (the “Bylaw”) to continue the use of the existing commercial garage for commercial office use, storage of vehicles and equipment, and light construction work at the property located at 20 Pond Lane, Arlington, MA (“Property”).

I. FACTUAL BACKGROUND

The Property is located in the Town’s R-2 Zoning District and is classified as a residential/commercial property containing .211 acres (approximately 9,200 sq ft.) with a 4,418 sf ft two- family residence and a 3,375 sq. ft. commercial garage located on the Property. (See Property Card attached hereto as **Exhibit “A”**). This application pertains to the use of the existing commercial garage located on the Property only.

The Applicant purchased the Property from Edward C. Simonian, Trustee of the Philip Simonian Realty Trust on October 26, 2015. (See copy of Deed recorded with the Middlesex South Registry of Deeds in Book 66280, Page 526 attached hereto as **Exhibit “B”**). From 1963 to the present, the garage located on the Property has been used for commercial purposes. The Applicant intends to list the Property for sale and prior to filing this application the Applicant was instructed by the Inspectional Services Director that a special use permit from the ZBA is necessary. Thus, the Applicant submits this application to clarify that the use of the commercial

garage for office, storage of vehicles and equipment, and light construction work is a legal current use of the commercial garage, and if necessary, to request a special use permit for the continuance of the pre-existing non-conforming commercial use. No changes are being made to the Property or to the existing buildings located on the Property.

A copy of the existing conditions Plot Plan is attached hereto as **Exhibit "C"**.

HISTORY OF THE COMMERCIAL USE OF THE PROPERTY

1. In June of 1961 Philp and Margaret Simonian purchased the Property, which at that time only contained the residential structure.
2. Mr. Simonian was the owner of State Coal & Oil Co., and from the summer of 1961 to 1963 used the Property to store commercial vehicles and equipment for his business.
3. In or around May of 1963, Mr. Simonian sought a variance from the ZBA due to a decision of the then Inspector of Buildings concerning the Inspector's refusal to issue a building permit for the construction of a commercial garage at the Property as such use was in violation of Section 14 of the Zoning Bylaws in effect at that time. Mr. Simonian was seeking to construct the garage to house his commercial vehicles and equipment and operate his business from the garage.
4. Public hearings were held in May of 1963 and the ZBA issued a decision in ZBA Case #779 permitting the construction of the commercial garage for his business and to be used for storage of commercial vehicles and equipment of Mr. Simonian's fuel business on the Property. (See **Exhibit D**).
5. Subsequent to the ZBA's decision, Mr. Simonian constructed the commercial garage on the Property. The garage consists of a flat-roof cinder block structure that is 45' wide and 75' long (3,375 sq. ft.) and 14' in height. The garage contains a large storage space area, office for business operations, a mezzanine storage area and two bathrooms for employees. (Copies of photos taken in 2011 attached hereto as **Exhibit "E"** show the garage as originally constructed).
6. In July of 1965, Mr. Simonian filed a petition with the ZBA seeking permission to further rent the commercial garage located on the Property for business use. At that time, Mr. Simonian was using a small portion of the garage for his company's business office but was no longer using the remainder of the space in the garage. Mr. Simonian sought permission to rent the remaining space in the garage to a commercial business involved in industrial truck batteries and battery charging devices for the operation of their business and storage of their vehicles and equipment. The ZBA granted the petition permitting the requested use at the Property. (See ZBA Case #959 attached hereto as **Exhibit "F"**).
7. Subsequent to 1963, the ownership of the Property was conveyed amongst Mr. Simonian's family. In 1978 Mr. and Mrs. Simonian conveyed ownership of the Property to the

Philip Simonian Realty Trust. In 1990 and again in 2004 the Property was conveyed to the Successor Trustees of the Philip Simonian Realty Trust.

8. From 1963 to 2015, the Simonian Family continued to rent out the garage for commercial uses and an auto body shop and auto mechanic business operated out of the garage during the majority of this time period. (See **Exhibit E**).

9. On October 26, 2015, the Applicant purchased the Property. (See **Exhibit B**). At that time the auto body shop stopped operating out of the garage and Arlington Motor Mart remained as a tenant of the Applicant and continued to perform auto repair work at the Property until 2020.

10. Additionally, from October 2015 to end of 2022, the Applicant's prior property management company, Barrington Management Company and Brigs LLC, used a portion of the garage for its maintenance division for the storage of materials, use as a woodworking shop, and parking for commercial vehicles. The Applicant further rented the garage to Flagship Cleaning Services, later renamed Syntegra, a commercial cleaning company who also used the garage for storage of materials and supplies, storage of commercial cleaning vehicles and used the office in the garage for its main office for operations.

11. The Applicant has replaced the roof on the garage and performed some interior work to clean-up the garage storage area, office, and restrooms. In 2019, the Applicant painted the garage while doing renovation work to the residential structure on the Property. (See photos attached hereto as **Exhibit "G"**).

12. In or around late 2022 to the Spring of 2023, the Applicant continued to perform maintenance work to the Property and contacted the Director of the Recreational Commission concerning the creation a buffer area between the Property and the abutting Town Property. The Town currently rents its land to Arlington/Belmont Crew organization who uses the Town's property to store its recreational boats and equipment. In the Spring of 2023, the Recreational Commission approved work allowing the Applicant to remove certain pavement and install a landscape buffer consisting of stone gravel, and several hedges and trees on the boundary line separating and creating a buffer area between the properties. (See **Exhibit C** and copies of photos of the existing conditions at the site along with photos showing the interior of the garage attached hereto as **Exhibit "H"**).

13. From 2022 to December 2023 the garage was used by Buffington, LLC, a real estate management company for use as a maintenance facility, site of operations and parking of commercial vehicles and equipment. The Applicant is currently considering placing the Property on the market and is considering his options concerning the continued commercial operations for the garage.

14. Thus, from the garage's initial construction in 1963 to the present, the garage has been used for commercial operations for office use, storage of vehicles and equipment and light construction by the owner of the Property and by its tenants. The Applicant seeks permission to

continue such use and further seeks clarification that should the Property be sold that any subsequent owner would be able to use the garage in the same historical manner.

I. REQUEST FOR SPECIAL USE PERMIT AND FINDING THAT THE PRE-EXISTING NON-CONFORMING USE OF THE GARAGE FOR STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT AND LIGHT CONSTRUCTION WORK SHALL NOT BE SUBSTANTIALLY MORE DETRIMENTAL THAN THE EXISTING NON-CONFORMING USE TO THE NEIGHBORHOOD.

Relevant portions of Section 8.1.1(A) of the Bylaws provides as follows:

Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017)... Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.

It is the Applicant's position that the proposed continued use of the garage at the Property shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Furthermore, the Applicant states that as provided in more detail below, its pending Application for Special Use Permit meets the criteria set forth in Section 3.3.3 of the Bylaw as follows:

1. The Requested Use is Essential or Desirable to the Public Convenience and Welfare:

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

2. The Requested Use Will Not Create Undue Traffic Congestion, or unduly Impair Pedestrian Safety:

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

3. The Requested Use Will Not Overload Any Public Water, Drainage Or Sewer System, Or Any Other Municipal System To Such An Extent That The Requested Use in the Immediate Area Or Any Other Area Of The Town Will Be Unduly Subjected To Hazards Affecting Health, Safety Or The General Welfare:

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

4. The Special Provisions For The Requested Use Under the Bylaw Are Fulfilled.

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

5. The Requested Use Will Not Impair The Integrity Or Character Of the District Or Adjoining Districts, Nor be Detrimental To the Health or Welfare.

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

6. The Requested Use Will Not, By Its Addition To The Neighborhood, Cause An Excess Of the Use That Could Be Detrimental To The Character Of Said Neighborhood.

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

III. CONCLUSION

For all of the above reasons, the Property has historically been used for both residential and commercial purposes. The continuance of the requested commercial use of the garage on the Property will fit seamlessly with the existing use at the Property and neighborhood as there will essentially be no change to the uses of the garage on the Property that have been continuously and consistently made since 1963.

Furthermore, as provided above and in the supporting materials submitted in support herewith, it is the Applicant's position that it has shown sufficient evidence to support a finding from the ZBA that the requested use of the garage on the property for the storage of commercial vehicles and equipment, office use, and light construction use will not be substantially more determinantal than the existing nonconforming use to the neighborhood and that its application complies with all applicable criteria set forth in Section 3.3 of the Bylaw to grant the special use permit requested by the Applicant.

Therefore, the Applicant respectfully request that the ZBA grant the Applicant's application for Special Use Permit.

September 12, 2024

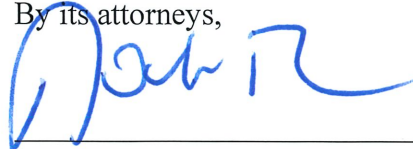
Page -7-

Thank you for your attention to this matter and should you have any questions or require any additional information concerning this Application, please do not hesitate to contact me directly.

Respectfully submitted,

POND LANE REALTY, LLC

By its attorneys,



Douglas A. Troyer
100 Summer Street, 22nd Floor
Boston, MA 02110
(671) 488-8236
dtroyer@pierceatwood.comcc:

cc: Client (via email only)

EXHIBIT “A”

[HOME](#)[SEARCH](#)[SUMMARY](#)[INTERIOR](#)[EXTERIOR](#)[ABOUT](#)[Printable Record Card](#) | [Previous Assessment](#) | [Condo Info](#) | [Sales](#) | [Zoning](#) | [Comments](#) |**WebPro**

Card 1 of 2

[Next Card](#)[Last Card](#)Location **20 POND LN**Property Account Number **8440**Parcel ID **010.0-0004-0005.A**Old Parcel ID **8440 --****Current Property Mailing Address**Owner **POND LANE REALTY LLC**Address **C/O NICHOLAS BOIT
32 HARBOUR DR N**City **OCEAN RIDGE**
State **FL**
Zip **33435**
Zoning **R2****Current Property Sales Information**Sale Date **10/26/2015**
Sale Price **1,000,000**Legal Reference **66280-526**
Grantor(Seller) **SIMONIAN EDWARD C,****Current Property Assessment**Year **2024**Land Area **0.211 acres****Card 1 Value**Building Value **663,700**
Xtra Features Value **0**
Land Value **515,000**
Total Value **1,178,700****Total Parcel Value**Building Value **824,300**
Xtra Features Value **4,600**
Land Value **515,000**
Total Value **1,343,900****Narrative Description**

This property contains **0.211 acres** of land mainly classified as **Res. / Comm.** with a(n) **Multi-Conver** style building, built about **1900** , having **Aluminum** exterior and **Asphalt Shgl** roof cover, with **3** unit(s), **13** total room(s), **5** total bedroom(s), **3** total bath(s), **0** total half bath(s), **0** total 3/4 bath(s).

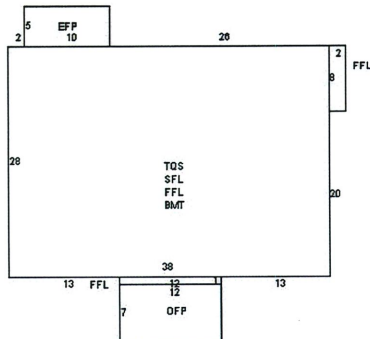
Legal Description**Property Images**

EXHIBIT “B”

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 181865
Document Type	: DEED
Recorded Date	: October 26, 2015
Recorded Time	: 02:49:32 PM
Recorded Book and Page	: 66280 / 526
Number of Pages(including cover sheet)	: 3
Receipt Number	: 1874080
Recording Fee (including excise)	: \$4,685.00

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 10/26/2015 02:49 PM
Ctrl# 232809 19350 Doc# 00181865
Fee: \$4,560.00 Cons: \$1,000,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

QUITCLAIM DEED

Edward C. Simonian, of Centerville, Barnstable County, Massachusetts for consideration paid and in full consideration of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) grants to POND LANE REALTY, LLC a Massachusetts limited liability company, of 376 Massachusetts Avenue, Arlington, Massachusetts 02474

WITH QUITCLAIM COVENANTS

all right, title and interest in and to that certain parcel of land with the buildings and improvements thereon known as 20 Pond Lane, Arlington, Middlesex County, Massachusetts, being more particularly described as follows:

The land with the buildings and improvements thereon situate in Arlington, Middlesex County, Massachusetts, situate on Pond Lane and shown as Lot "B" on "Plan of Land in Arlington, Mass." dated August 25, 1939, M. Waters, C.E. recorded with Middlesex South District Deeds Book 6323, Page 475, bounded and described:

NORTHERLY: by Pond Lane, eighty-seven and 49/100 (87.49) feet;
EASTERLY: by land of owners unknown, one hundred thirty (130) feet;
SOUTHERLY: by Lot A on said plan, eighty (80) feet; and
WESTERLY: by Lot A on said plan, one hundred (100) feet, more or less.

Containing 9,200 square feet of land, more or less.

For title, see deed recorded with Middlesex County Southern District Registry of Deeds Book 41726 Page 393.

The subject premises is conveyed subject to tenants and occupants.

I, the undersigned Edward C. Simonian, do hereby revoke, rescind and terminate any and all homestead rights in the herein property and do under oath depose and say that there are no other individuals entitled to claim the benefit of any existing estate of homestead in and to the property.

20 Pond Lane Arlington

Executed as a sealed instrument this 26th day of October, 2015.

Edward C. Simonian
Edward C. Simonian

COMMONWEALTH OF MASSACHUSETTS

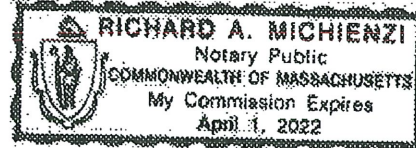
Widdlejex, ss.

On this 26th day of October, 2015, before me, the undersigned notary public, personally appeared Edward C. Simonian, proved to me through satisfactory evidence of identification, which was Mass drivers license ~~known to me~~ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature]

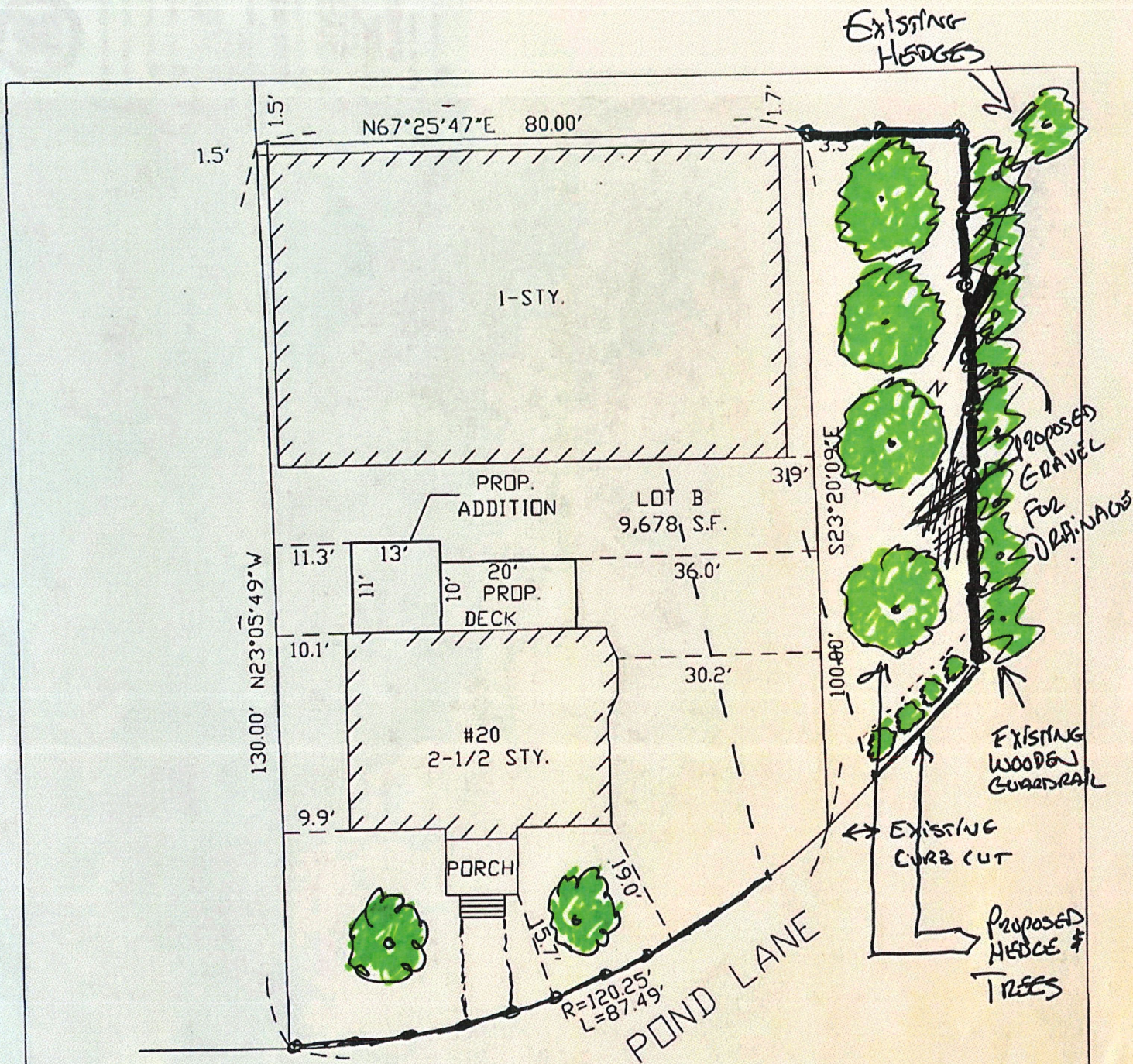
NOTARY PUBLIC

My Commission Expires: _____



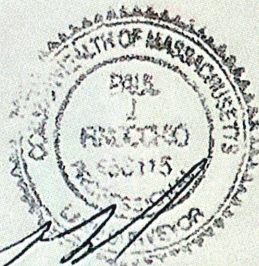
RealEstFrm/Simonian/20PondLane(Sale)/Quitclaim Deed.doc

EXHIBIT “C”



NOTE:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL ON THE GROUND INSTRUMENT SURVEY.



PAUL J. FINOCCHIO P.L.S. No.36115

DATE

**PLOT PLAN OF LAND
IN
ARLINGTON, MA**

PREPARED BY:
PJF & ASSOCIATES
4 HIGHLAND AVE WAKEFIELD, MA
PAUL J. FINOCCHIO-P.L.S.
(781)883-5473

SCALE: 1" = 20'

DEED REF.:

DATE: APRIL 25, 2017

FILE No.:6953

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EXHIBIT “D”

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

APPEAL NO. 779

of Philip Simonian

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the appeal of Philip Simonian of Arlington from the refusal, on March 19, 1963, of the Inspector of Buildings to issue a permit for the construction of a garage to house vehicles and equipment on his property located at 20 Pond Lane.

The action of the Inspector of Buildings was automatic since the proposed would be used to house commercial vehicles constituting a violation of Section 14 of the Zoning By-Law.

The appeal was filed in the office of the Inspector of Buildings on April 3, 1963. The hearing was held at the Town Hall on Tuesday evening, May 7, 1963 after due notice had been given by publication in the Arlington Advocate on April 11 and 18, 1963 and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Ralph F. Tuller, Chairman
Alfred C. Bridgens, Secretary
John J. Bilafer

The appellant was present at the hearing accompanied by his builder, Rugo Santini, Santini Sons, Inc., 116 Magnolia St., Arlington, Mass. Also present at the hearing were Valma Jenkins, 9 Pond Lane, Thomas F. McCarthy, 19 Pond Lane, Vincent Govoni, 21 Pond Lane, who were recorded in favor of granting the petition. Mr. & Mrs. Fred S. Karaganis, 21 Wyman Terrace did not favor the petition, but their objections were directed toward an unsightly condition existing in the rear of Arlington Pipe and Supply rather than with the garage proposed by appellant.

The property involved in this appeal is shown on Block Plan #10 as Lot B numbered 20 Pond Lane containing a dwelling house on 9200 sq. ft. of land.

Active businesses are presently being carried on in the immediate area. On a lot adjacent is a Storm Window Factory and to the rear of appellant's lot is located a plumbing supply house.

Appellant, the owner of State Coal & Oil Co. purchased the property in the Summer of 1961 and since that time has been using it for the storage of his vehicles and equipment.

The proposed garage would be a dwelling 14' high, 45' wide and 75' long of cinder block construction and would be located at the rear of the lot at a distance of 19' from the existing dwelling in accordance with the plan submitted by the appellant.

It is noted by the Board that the proposed location of the garage is in immediate proximity to other commercial buildings in the area. The contours of the proposed garage would be in keeping with this business atmosphere. It would seem that a garage to house appellant's vehicles and equipment would provide a much neater appearance to the property than is evident at present.

It is the opinion of the Board that the purpose for which the appellant wishes to use the proposed dwelling causes a hardship to appellant and that relief may be granted without detriment to the public good or to the intent of the Zoning By-Law.

It is the unanimous decision of the Board that the appeal shall be allowed and the Inspector of Buildings is authorized to issue the necessary permit for construction located substantially as shown on the plot plan submitted.

EXHIBIT “E”



Google



Arlington, Massachusetts

Street View - Aug 2011

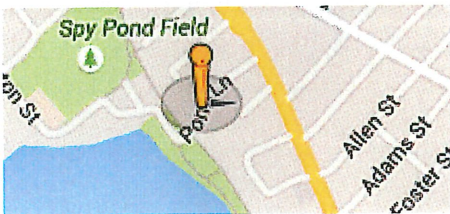


Image capture: Aug 2011 © 2015 Google





EXHIBIT “F”

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

PETITION NO. 959

OF Philip Simonian

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the petition of Philip Simonian of Arlington, seeking permission to rent the premises at 20 Pond Lane for business use.

The proposed use of the premises would be at variance with Section 14 of the Zoning By-Law.

The petition was filed in the office of the Inspector of Buildings on July 5, 1967. The hearing was held at the Town Hall on Tuesday evening, July 25, 1967 after due notice had been given by publication in the Arlington News on July 13, and 20, and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Ralph F. Tuller, Chairman
Alfred C. Bridgens, Secretary
John R. Kenny

The petitioner was present in person at the hearing.

The property involved in this petition is shown on Block Plan #10 as Lot 10, numbered 20 Pond Lane, located in a Residence B District.

The building here involved was constructed by Mr. Simonian pursuant to authority granted in 1963 by this Board in Case #779. It is a flat-roofed cinder block garage-type building 45' wide and 75' long. It was built to provide storage space for vehicles and equipment used in petitioner's fuel oil business.

The petitioner continues to use a relatively small portion of the building as business office space, but he no longer uses the rest of the building for the purpose for which it was built. Instead, he seeks approval of the rental of the premises to Harrington Equipment Co., which is a service business, formerly located at 17 Mill Street, involved with industrial truck batteries and battery charging devices.

The Harrington concern presently consists of the owner and two employees. There is a pickup truck which is the only vehicle owned by the business. The operation of the business does not involve any heavy work or noisy operations, ⁴⁵ of 206

Philip Simonian

#959

Page 2.

nor is there any appreciable traffic to the premises by customers or suppliers. Harrington will construct an office space approximately 18 ' by 14' , and he will use the rest of the building, except for the offices retained by Mr. Simonian, for his active business and equipment storage purposes.

It seems clear that the Harrington business will be less actively at variance with the residential neighborhood in which it is located than was the storage of fuel oil trucks and equipment by Mr. Simonian.

It is the unanimous decision of the Board that the petition shall be allowed, authorizing the use of the premises for business purposes substantially similar to those now being conducted by Harrington Equipment Co.

EXHIBIT “G”

Pond Ln

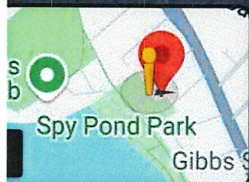


d Ln

n, Massachusetts

Google Street View

0 See more dates



Google

48 of 206

Google Maps

Arlington, Massachusetts
Google Street View
Nov 2020 [See more dates](#)



Image capture: Nov 2020 © 2024 Google

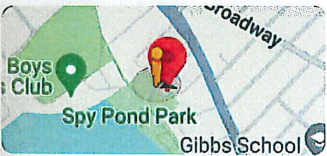
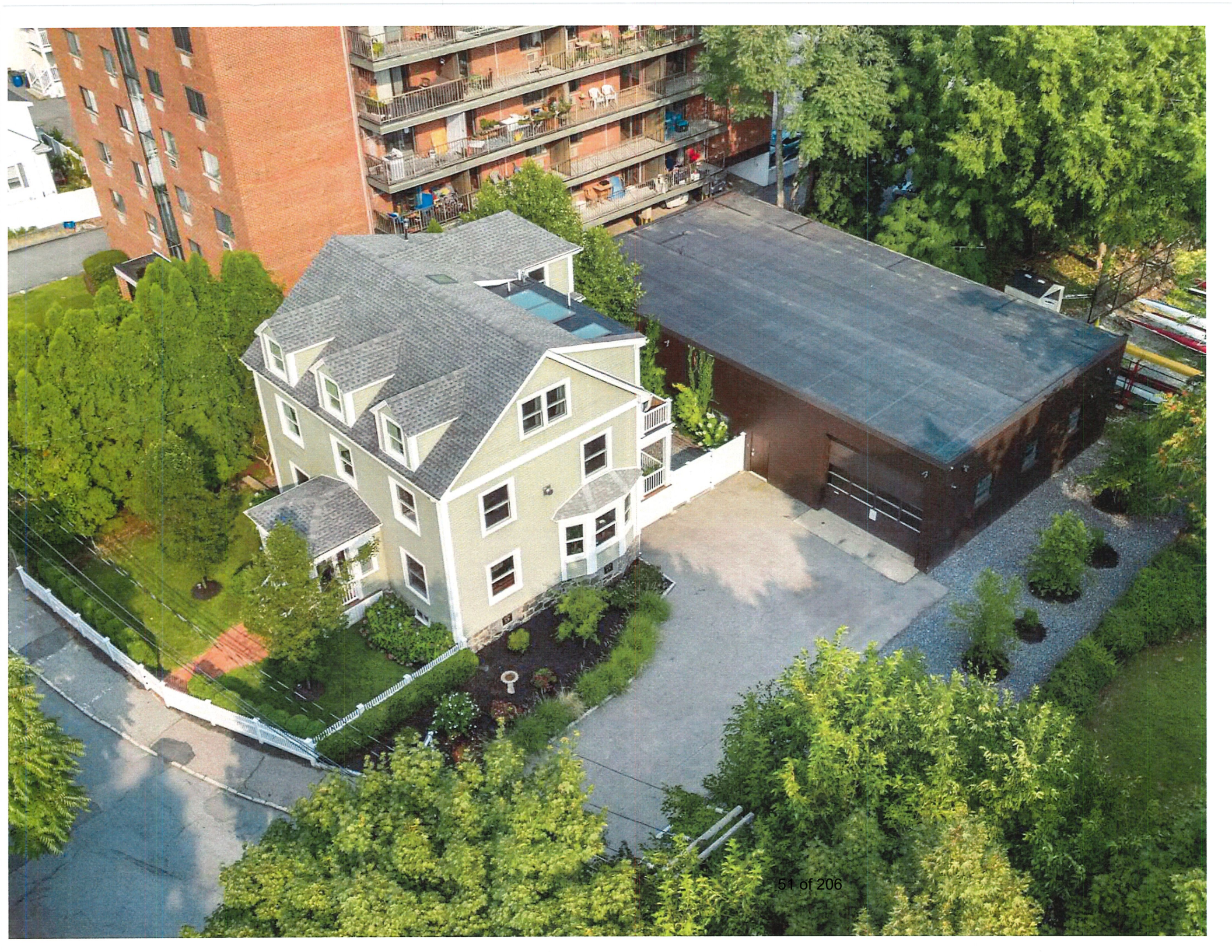


EXHIBIT “H”





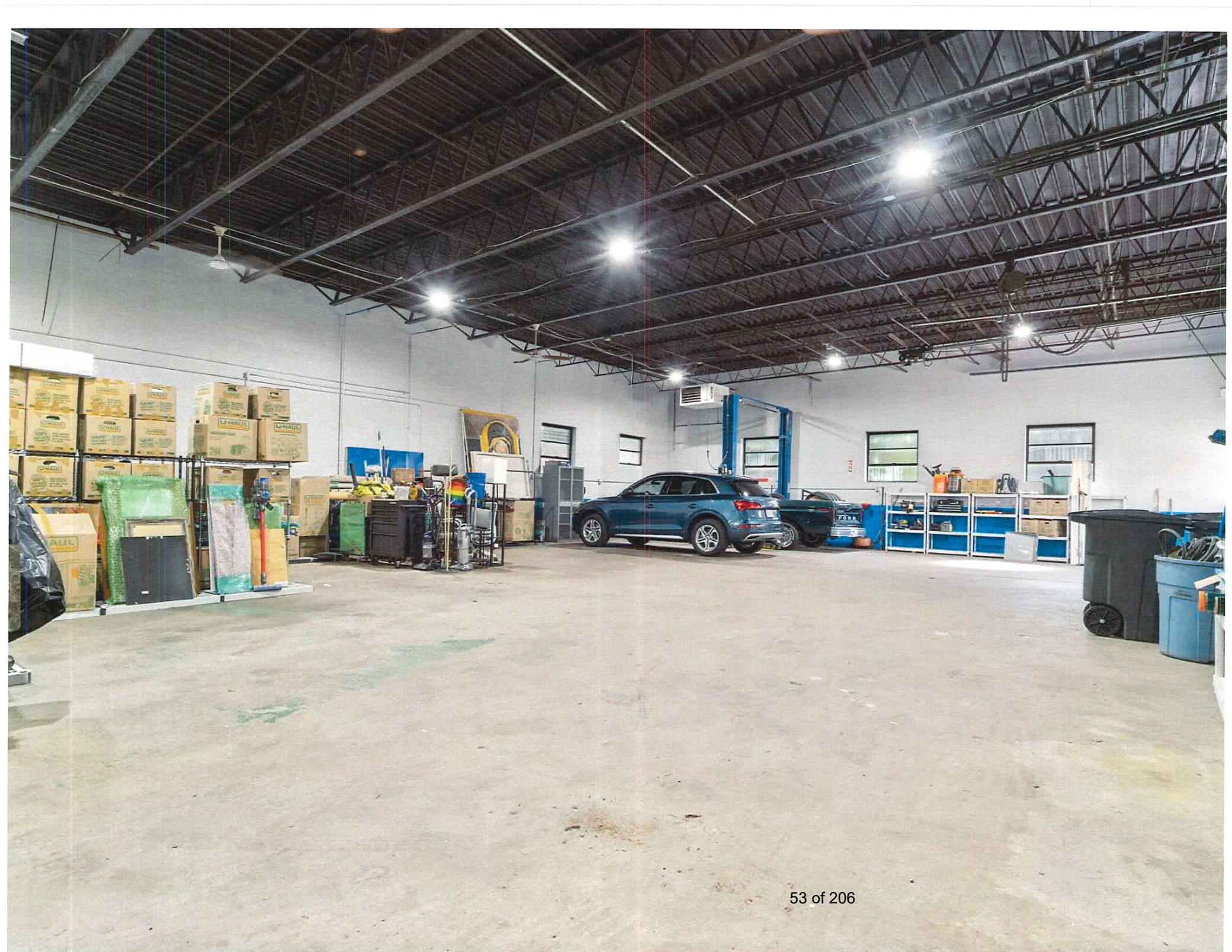
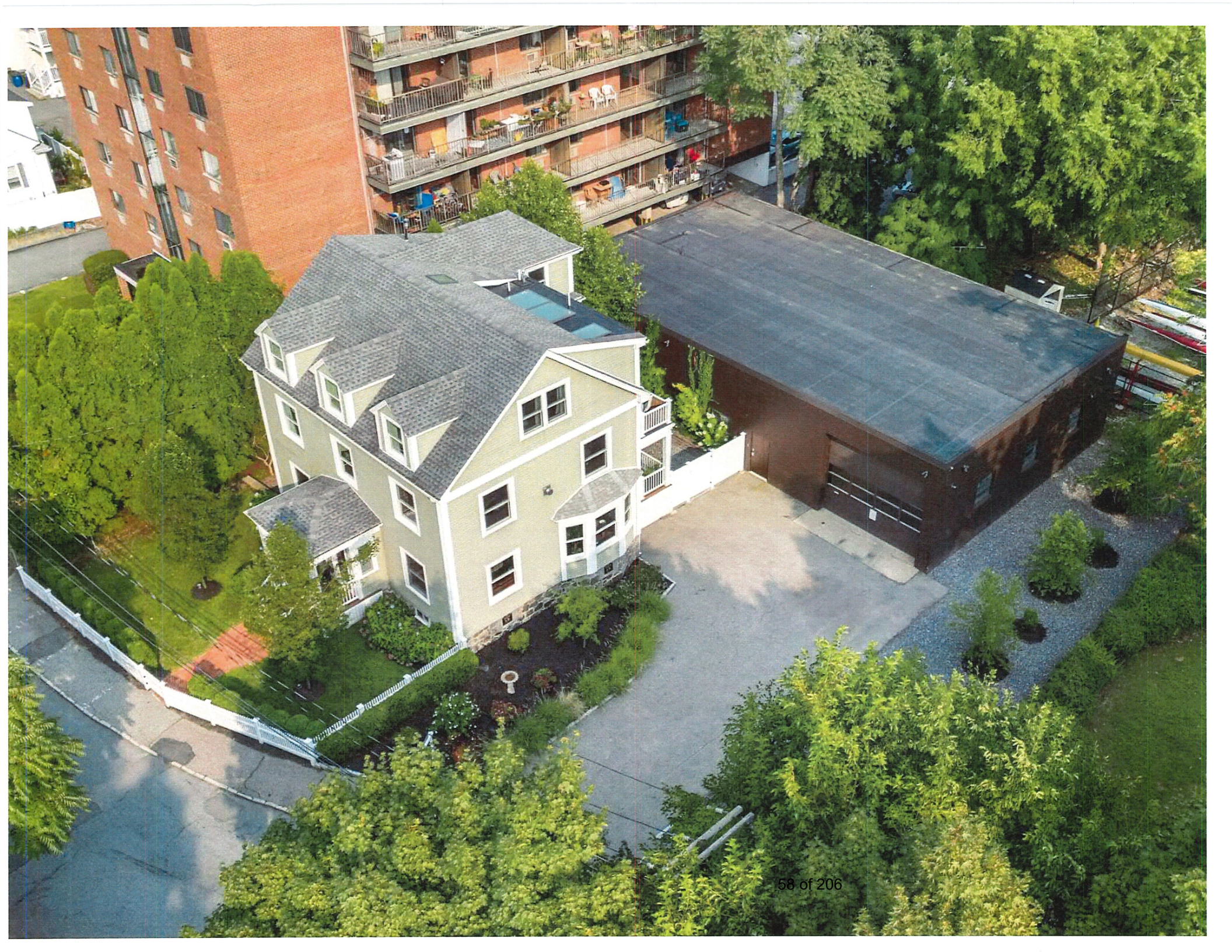




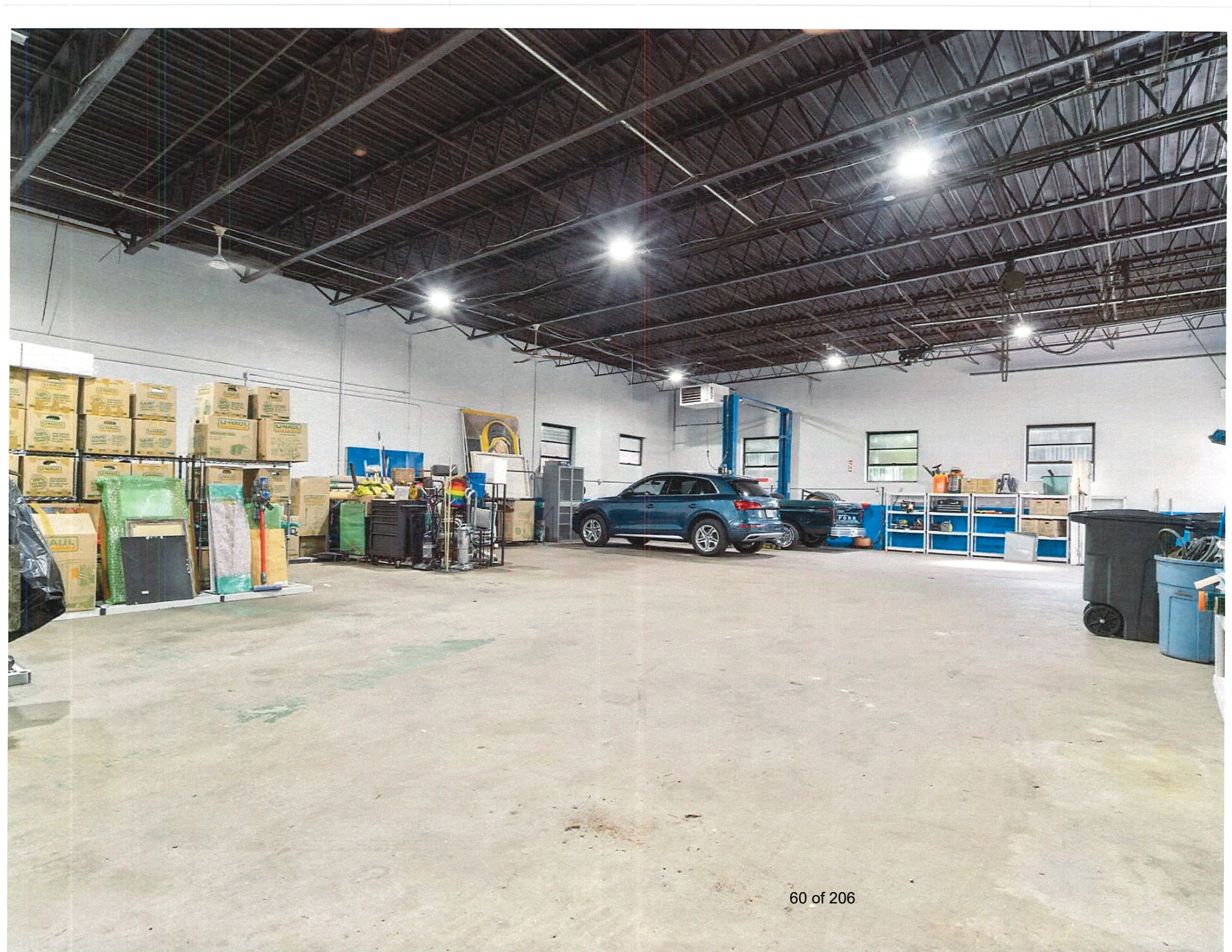




EXHIBIT “H”













**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
10.A-4-3	374 MASS AVE UNIT 2	BACHANOWSKI JOHN S &	KIEWRA KARIN A	374 MASS AVE	UNIT 2	ARLINGTON	MA	02474
10.A-4-4	374 MASS AVE UNIT 3	LUSTIG DAVID &	TAO XIANGLONG	374 MASS AVE	UNIT 3	ARLINGTON	MA	02474
10.A-4-5	374 MASS AVE UNIT 4	THOMPSON FRED & QUINBY		31 WOODBURY ST		SOUTH PORTLAND	ME	04106
9.A-2-1	19 WYMAN TERR UNIT 1	WISE WILLIAM	GUERRERO ABEL	19 WYMAN TERR	UNIT 1	ARLINGTON	MA	02474
9.A-2-2	19 WYMAN TERR UNIT 2	ALBERT MAURA H & BLAIR LINDA J	TRS/ MAURA H ALBERT REVOCABLE	19 WYMAN TERR	UNIT 2	ARLINGTON	MA	02474
10.A-3-9	9--11 POND LN UNIT 9	SITOMER MARION		9 POND LN		ARLINGTON	MA	02474
10.A-3-11	9--11 POND LN UNIT 11	CREEDON PAUL A	CLUNIE PAIGE A	11 POND LN		ARLINGTON	MA	02474
10.A-5-1	46--48 POND LN UNIT 1	MORRISON LAI-KUEN & DONALD M		46 POND LN	UNIT 1	ARLINGTON	MA	02474
10.A-5-2	46--48 POND LN UNIT 2	RUSSELL KAREN J/ TRUSTEE	KAREN RUSSELL 2023 TRUST	46 POND LN	UNIT 2	ARLINGTON	MA	02474
10.A-3-16.1	16 AVON PL UNIT 1	CAPODANNO JILL & AMIE &	BLOUIN LYN	16 AVON PL	#1	ARLINGTON	MA	02474
10.A-3-16.2	16 AVON PL UNIT 2	SANDSTEDT DANIEL M &	CAPODANNO AMIE	16 AVON PL	#1	ARLINGTON	MA	02474
10.A-2-11.1	11 AVON PL UNIT 1	SCHWINGEL LOUISE	SCHWINGEL RICHARD E	11 AVON PL	UNIT 1	ARLINGTON	MA	02474
10.A-2-11.2	11 AVON PL UNIT 2	EZEKOWITZ ANDREW	LIU LIQUN	11 AVON PL	UNIT 2	ARLINGTON	MA	02474
9-1-6	16 WYMAN TERR	BURNHAM JAMES NEAL ETAL/ TRS	JAMES NEAL BURNHAM & SUSAN	16 WYMAN TERR		ARLINGTON	MA	02474
9-1-7	12--14 WYMAN TERR	14 WYMAN TERRACE LLC		98 RICHFIELD RD		ARLINGTON	MA	02474
9-2-2.A	0-LOT POND LN	TOWN OF ARLINGTON PARK DEPT		730 MASS AVE		ARLINGTON	MA	02476
9-2-4	360 MASS AVE	MULHERN ROBERT & TINA		360 MASS AVE		ARLINGTON	MA	02474
9-2-5	358 MASS AVE	PEEL RE LLC		358 MASS AVE		ARLINGTON	MA	02474
9-2-6	3 WYMAN TERR	NYBERG JONATHAN	DOLAN DAVID/SARA Q	P.O. BOX 292		ARLINGTON	MA	02476
9-2-7	9 WYMAN TERR	BOEHM BERNARD L/TRUSTEE	BERNARD BOEHM TRUST	9 WYMAN TERR		ARLINGTON	MA	02474
9-2-8	11--13 WYMAN TERR	SHEEHAN JOANNE M/ TRUSTEE	J.M.S. WYMAN TERRACE TR-2022	25 MORNINGSIDE DR		ARLINGTON	MA	02474
9-2-9	15--17 WYMAN TERR	SARGENT ENRAKU &	SAU ANNA	242 WESTON RD		WELLESLEY	MA	02482
9.A-2-3	19 WYMAN TERR UNIT 3	MACLEOD AMY & GLEN A ETAL/ TRS	AMY MACLEOD REVOCABLE TRUST OF	19 WYMAN TERR	UNIT 3	ARLINGTON	MA	02474
9-2-11	21 WYMAN TERR	SPY POND LLC		21 WYMAN TER		ARLINGTON	MA	02474
9-2-12	25--27 WYMAN TERR	CHASSE MARY		25 WYMAN TERR		ARLINGTON	MA	02474
9-3-1	0-LOT POND LN	TOWN OF ARLINGTON PARK		730 MASS AVE		ARLINGTON	MA	02476
9.A-2-10	12 POND LN UNIT 10	LI HUIMING	ZENG YUANCHUN	17 JUSTIN ST		LEXINGTON	MA	02420
9.A-2-12	12 POND LN UNIT 12	KE YUE	MENG YUXI	11 OCTOBER LN		WESTON	MA	02493
9.A-2-20	12 POND LN UNIT 20	WONG CHING-WAH		5 CONCORD AVE	UNIT 52	CAMBRIDGE	MA	02138
9.A-2-21	12 POND LN UNIT 21	LIMANI FATON	URUCI-LIMANI GERTA	34 ROCKLAND AVE		ARLINGTON	MA	02474
9.A-2-22	12 POND LN UNIT 22	BUCK JAMES W		12 POND LN	UNIT 22	ARLINGTON	MA	02474
9.A-2-23	12 POND LN UNIT 23	SPITZKOFF CRAIG		31 BROKEN TREE RD		NEWTON	MA	02459
9.A-2-24	12 POND LN UNIT 24	ZENG FENG	JIANG BOLAN	12722 KINSLEY CT		SAN DIEGO	CA	92129
9.A-2-25	12 POND LN UNIT 25	LOADWICK GEORGE J		12 POND LN	UNIT 25	ARLINGTON	MA	02474
9.A-2-26	12 POND LN UNIT 26	WEN CHIN KUEI/TR	WEN SHIAO MOON LEE/TR	294 GLEN RD		WESTON	MA	02493
9.A-2-27	12 POND LN UNIT 27	HANSON WILLIAM J & LORRAINE P/ TRS	KIRSTEN L HANSON TRUST	8 SANDY RIDGE RD		STERLING	MA	01564

**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
9.A-2-30	12 POND LN UNIT 30	ARLINGTON REAL ESTATE TRUST		C/O CHING-WAH WONG	5 CONCORD AVE #52	CAMBRIDGE	MA	02138
9.A-2-31	12 POND LN UNIT 31	ROSSIEN ANITA W/TRUSTEE	AR12 POND LAND REALTY TRUST	12 POND LN	#31	ARLINGTON	MA	02474
9.A-2-32	12 POND LN UNIT 32	KUNSMAN CHARLES		12 POND LN	UNIT 32	ARLINGTON	MA	02474
9.A-2-33	12 POND LN UNIT 33	MERRILL DONALD A/TRUSTEE	LUCAS ANNE MARIE/TR	12 POND LN	UNIT 33	ARLINGTON	MA	02474
9.A-2-34	12 POND LN UNIT 34	SAWANT MIHIR PREMSING		12 POND LN	UNIT 34	ARLINGTON	MA	02474
9.A-2-35	12 POND LN UNIT 35	GORKA CAROLYN		12 POND LN	UNIT 35	ARLINGTON	MA	02474
9.A-2-36	12 POND LN UNIT 36	JOHNSON DAVID H/ TRUSTEE	DAVID H JOHNSON TRUST	25 THORNTON WAY	APT 305	BRUNSWICK	ME	04011
9.A-2-37	12 POND LN UNIT 37	YANNAKEAS ELIAS/TRUSTEE	YANNAKEAS REALTY NOMINEE TRUST	119 YDRAS ST	KALAMATA	MESSINIAS GREECE		24100
9.A-2-40	12 POND LN UNIT 40	LI RUI		70 ALBERT AVE		BELMONT	MA	02478
9.A-2-41	12 POND LN UNIT 41	BORGERS CHRISTOPH	WONG AMY O	12 CHERRY ST		LEXINGTON	MA	02421
9.A-2-42	12 POND LN UNIT 42	SANTIAGO CARRIE		12 POND LN	APT 42	ARLINGTON	MA	02474
9.A-2-43	12 POND LN UNIT 43	DRUM LLC		190 CUTLERS FARM RD		MONROE	CT	06468
9.A-2-44	12 POND LN UNIT 44	PARUCHURU RAJANY		16 PLEASANT ST		NEEDHAM	MA	02492
9.A-2-45	12 POND LN UNIT 45	BOND EDITH G		12 POND LN	UNIT 45	ARLINGTON	MA	02474
9.A-2-46	12 POND LN UNIT 46	PATEL PRAFUL V		135 MYSTIC ST		ARLINGTON	MA	02474
9.A-2-47	12 POND LN UNIT 47	FAITH EDWARD P		12 POND LN	UNIT 47	ARLINGTON	MA	02474
9.A-2-50	12 POND LN UNIT 50	BREITENBACH MARIE		12 POND LN	#50	ARLINGTON	MA	02474
9.A-2-51	12 POND LN UNIT 51	LIN CHUAN	CAO HUAIGU	10 PEARL ST		LEXINGTON	MA	02420
9.A-2-52	12 POND LN UNIT 52	DIBELLO PAUL	COLONESE DAWN	12 POND LN	UNIT 52	ARLINGTON	MA	02474
9.A-2-53	12 POND LN UNIT 53	KIM MIN		12 POND LN	UNIT 53	ARLINGTON	MA	02474
9.A-2-54	12 POND LN UNIT 54	BEST AMY JOAN TORRES &	GARCIA JIMMY ANTONIOTORRES	12 POND LN	#56	ARLINGTON	MA	02476
9.A-2-55	12 POND LN UNIT 55	WONG WAH CHING EDITH		5 CONCORD AVE	#52	CAMBRIDGE	MA	02138
9.A-2-56	12 POND LN UNIT 56	BEST AMY JOAN TORRES &	GARCIA JIMMY ANTONIO TORRES	12 POND LN	#56	ARLINGTON	MA	02476
9.A-2-57	12 POND LN UNIT 57	LIU GUIZHONG & XIAOSHA		12 POND LN	UNIT 57	ARLINGTON	MA	02474
9.A-2-60	12 POND LN UNIT 60	HACHEY JEAN N		12 POND LN	#60	ARLINGTON	MA	02474
9.A-2-61	12 POND LN UNIT 61	CHARINOS MARIA		71 ATTHIDON STR	KALLITHEA ATHENS	GREECE		17672
9.A-2-62	12 POND LN UNIT 62	DE MONTIGNY WILLIAM		12 POND LN	UNIT 62	ARLINGTON	MA	02474
9.A-2-63	12 POND LN UNIT 63	BAE STELLA	KIM WONTAK	111 ROBBINS RD		WATERTOWN	MA	02472
9.A-2-64	12 POND LN UNIT 64	FERGUSON HOWARD		12 POND LN	UNIT 64	ARLINGTON	MA	02474
9.A-2-65	12 POND LN UNIT 65	DAVIDOW RACHEL B		12 POND LN	UNIT 65	ARLINGTON	MA	02474
9.A-2-66	12 POND LN UNIT 66	HESTIA PROPERTIES LLC		21 AVON PL		ARLINGTON	MA	02474
9.A-2-67	12 POND LN UNIT 67	KILICK MAORI M--ETAL	KILICK KATHLEEN A	12 POND LN	#67	ARLINGTON	MA	02474
9.B-1-101	366 MASS AVE UNIT 101	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-102	366 MASS AVE UNIT 102	EYE ASSOCIATES REALTY		172 CAMDEN ST		BURLINGTON	MA	01803
9.B-1-103	366 MASS AVE UNIT 103	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143

**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
9.B-1-201	366 MASS AVE UNIT 201	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-202	366 MASS AVE UNIT 202	MASS ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-203	366 MASS AVE UNIT 203	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-204	366 MASS AVE UNIT 204	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-301	366 MASS AVE UNIT 301	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-302	366 MASS AVE UNIT 302	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-303	366 MASS AVE UNIT 303	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-304	366 MASS AVE UNIT 304	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
10-2-5	15 AVON PL	BURKE PAUL M & JENNIFER ROSE		659 MASS AVE		ARLINGTON	MA	02474
10-2-6	19 AVON PL	LOGAN MICHAEL J/ ELISABETH	TRS/LOGAN REAL ESTATE TRUST	19 AVON PL		ARLINGTON	MA	02474
10-2-7	25 AVON PL	SMITH SCOTT J/HEATHER A		25 AVON PL		ARLINGTON	MA	02474
10-2-8	29 AVON PL	AVONSTEAD LLC		3 DICKSON ST		SOMERVILLE	MA	02144
10-3-1	390 MASS AVE	KOZELIAN JOHN & SILVA N/ TRS	KOZELIAN REVOCABLE TRUST	8 CHESWICK RD		ARLINGTON	MA	02474
10-3-2	382--384 MASS AVE	CEDAR CREST ARLINGTON LLC		382 MASS AVE		ARLINGTON	MA	02474
10-3-4	7 POND LN	ROZZI PANFILO E		87 CLARK ST		BELMONT	MA	02478
10-3-6	15 POND LN	SIMADER MICHAEL & MELISSA		15 POND LN		ARLINGTON	MA	02474
10-3-7	19 POND LN	SULLIVAN JAMES	SULLIVAN CHRISTINE	19 POND LN		ARLINGTON	MA	02474
10-3-8	21 POND LN	TOWN OF ARLINGTON		730 MASS AVE		ARLINGTON	MA	02476
10-3-9	22--24 AVON PL	SAYIGH SOPHIA E/ TRUSTEE	SOPHIA E SAYIGH TRUST	24 AVON PL		ARLINGTON	MA	02474
10-3-11	12--14 AVON PL	HARDING LORI/GARY S		PO BOX 1111		WESTFORD	MA	01886
10-3-12	8--10 AVON PL	GNEWUCH CHRISTINA & SCOT C		10 AVON PL		ARLINGTON	MA	02474
10-4-1.A	378 MASS AVE	CONNELY CONTRACTING INC		378 MASS AVE		ARLINGTON	MA	02474
10-4-1.B	10 POND LN	KEEFE KATHERINE G & ROBERT		10 POND LN		ARLINGTON	MA	02474
10.A-4-2	374 MASS AVE UNIT 1	MANTY WILLIAM/TRACY YUEN		374 MASS AVE	UNIT 1	ARLINGTON	MA	02474
10-4-3	370 MASS AVE	ARLINGTON POST NO 39	THE AMERICAN LEGION INC	370 MASS AVE		ARLINGTON	MA	02474
10-4-5.A	20 POND LN	POND LANE REALTY LLC		C/O NICHOLAS BOIT	32 HARBOUR DR N	OCEAN RIDGE	FL	33435
10-5-4	1 POND TERR	REYNOLDS STEPHEN/ETAL	WANAMAKER LISA M	1 POND TERR		ARLINGTON	MA	02474

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to subject parcel within 300 Feet



Town of Arlington
Office of The Board of Assessors
730 Massachusetts Ave
Arlington, MA 02476
phone: 781.316.3050
email: assessors@town.arlington.ma.us



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Outlook

Comments on docket #3822 – 20 Pond Lane

From Paul Creedon <pacreedon@gmail.com>

Date Sun 10/20/2024 6:30 PM

To ZBA <ZBA@town.arlington.ma.us>; Paige Clunie <paclunie@gmail.com>



 3 attachments (10 MB)

IMG_5400.HEIC; IMG_5399.HEIC; IMG_5401.HEIC;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Arlington Zoning Board of Appeals Members,

We write to express our strong opposition to docket #3822 – 20 Pond Lane, appearing before the board on October 22, 2024. We reside at 9-11 Pond Lane, unit 11 with our two young children. We have lived at this residence since September 2019.

Pedestrian Safety & Impact on Traffic

We are concerned that commercial activity at 20 Pond Lane will make our neighborhood less safe by increasing traffic and blocking pedestrian access to Spy Pond, the Minuteman bike path, the Boys and Girls Club, and Spy Pond Field. The stretch of Pond Lane that runs from Massachusetts Ave to Spy Pond has no legal street parking. However, private and commercial vehicles often park on the sidewalk, blocking pedestrian access.

When we first moved to the neighborhood, a commercial cleaning company operated from the garage at 20 Pond Lane. Each morning, several vans would idle in the driveway and on the sidewalk as they loaded supplies. The impact on pedestrians was minor at 6 AM, but we were forced to walk on the road as we walked our dog. The concern is that a future commercial business would introduce similar sidewalk obstructions later in the day, forcing pedestrians onto the busy road.

Unfortunately, Arlington's Parking Enforcement Officers are not empowered to regulate parking on residential streets. As residents, our only recourse is to contact the Arlington Police non-emergency number. Consequently, traffic regulations are not enforced in residential areas. Out of convenience, delivery drivers, landscapers, and other commercial operators may park on the sidewalk and in front of "no parking" signs without consequence.

To this point, at approximately 8 AM on Tuesday, October 15, 2024, three large moving trucks arrived on Pond Lane to move items out of the residential units at 20 Pond Lane. The trucks blocked traffic as they attempted to navigate the narrow road. Ultimately, the trucks parked along the street, blocking the sidewalk as students made their way to school. As you can see from the attached pictures, the sidewalk was fully blocked. Cyclists were forced into oncoming traffic. These traffic violations were caused by the

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moving company, not the petitioner. However, this demonstrates the impact that increased commercial activity will have on our neighborhood.

Approving this application will lead to increased commercial traffic and make our neighborhood less safe for pedestrians, cyclists, and drivers.

Impact of "Light" Commercial Activity

From our reading of the application, the petitioner intends to sell this property once they receive Zoning Board of Appeal approval to allow for "storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage." We are concerned that the new owners may interpret this definition to fit their needs. This would have several negative impacts on the neighborhood:

1. Noise: As far as we are aware, "light construction" is not defined in the application or within Arlington's Zoning Bylaw. The new property owner could interpret this definition to include any number of construction activities. Could the garage be used for metal working, machine assembly, or commercial woodworking? These activities would negatively impact our neighborhood by introducing the constant sound of construction and pollution.
2. Environmental Impact: What would prevent a future owner from storing harmful chemicals onsite? What safeguards are in place to prevent harmful exhaust from entering our neighborhood?

As the residents living across the street from 20 Pond Lane, we—not the petitioner—are the ones who will have to live with the consequence of whatever future commercial ventures purchase the property. We strongly urge the Zoning Board of Appeal to reject this application.

Best regards,
Paul Creedon & Paige Clunie
11 Pond Lane









Outlook

Comments Against the Expansion of Commercial Use at 20 Pond Lane

From Simader, Michael <michael@simader.me>

Date Sun 10/20/2024 1:33 PM

To ZBA <ZBA@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of the Zoning Board of Appeals,

I am writing to express my strong opposition to the expansion of commercial use at 20 Pond Lane. My name is Michael Simader and together with my wife Melissa Simader, I am the co-owner of the property directly across the street at 15 Pond Ln, Arlington, MA 02474.

Regarding the most recent application of the property owner at 20 Pond Lane I hereby submit my key concerns and express my opposition to the expansion of commercial use at this property.

Position Against the Expansion of Commercial Use at 20 Pond Lane

1. Scope of Special Permit:

- The original special permit issued in 1963 aimed to conceal commercial vehicles and equipment from view, maintaining a tidy appearance.
- Over the years, the use of the property went beyond the originally approved scope by the Zoning Board of Appeals (ZBA).
- Unauthorized uses include:
 - Operation as an auto body shop and mechanic business.
 - Storage of materials for a cleaning business.
 - The use as a woodworking shop.
- The undefined nature of "light construction work" raises concerns about future interpretations that could lead to further expanding the scope affecting nearby residents negatively.

2. Public Convenience and Welfare:

- The petitioner has not provided evidence that the expanded commercial operation will benefit the public. The original intent of the garage was primarily aesthetic—to hide commercial activities.
- The request to increase scope to include "light" construction lacks clear limits on both the nature of the work and hours of operation, presenting risks of noise, dust, smell, and other disturbances.
- The expansion appears to prioritize the petitioner's financial gain rather than community welfare, without offering any benefits. The expansion only has negative effects on the community with:
 - Increased traffic and resulting hazards
 - Dangerous conditions by maneuvering large commercial vehicles in an area with increased foot traffic.
 - Uncontrolled and unmitigated conditions for the storage, use, and processing of hazardous materials.

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- The petitioner is applying for an expanded scope of the special permit for a potential buyer of the property and not for their use. This expanded use is for the benefit of the petitioner, the seller of this property, and the petitioner alone, leaving only negative side effects to nearby residents.
- Given a history of violating the scope of the special use permit in this location, the future buyer cannot be trusted to limit their use of the property to the scope of the special permit.

3. Environmental and Infrastructure Concerns:

- The operation of an auto body and repair shop has already posed risks to the environment, particularly regarding spills that could contaminate storm drains leading to Spy Pond.
- Current regulations regarding water treatment, air filtration, and hazardous materials have evolved since 1963, necessitating a more stringent review of the potential impacts on public water sources.
- The petitioner highlights that there won't be any changes to the structure. There haven't been any upgrades to the structures aside from cosmetic improvements in the past.
- The structure's design and permitting were intended to store commercial equipment out of plain sight.
- The intention was NOT to operate machinery and handle potentially hazardous materials.
- Therefore the structure is inadequate for proposed uses. Outstanding concerns are, not limited to, air filtration systems, wastewater management, and safe working conditions for workers.

4. Impact on Neighborhood Character:

- The application contains inconsistencies, particularly in proposing uses not aligned with the garage's historical function or previously approved permits.
- The previously unauthorized use as an auto body and repair shop represents a violation of the original intent of the permit and sets a concerning precedent for future expansions.
- The applicant's intention to broaden the scope appears primarily motivated by personal financial interests rather than community benefits, which can only alter the character of the neighborhood negatively.

5. Traffic and Safety Implications:

- Existing traffic issues, exacerbated by nearby recreational facilities and a daycare, could worsen with additional commercial activities.
- The potential increase in commercial vehicle traffic poses risks to pedestrian safety, particularly given the current traffic conditions.
- 2 recent incidents are reason enough to reject this application:
 - A tourist bus collided with the pedestrian overpass. This is a clear indication that the street is neither designed nor laid out for commercial traffic.
 - Moving trucks were not able to maneuver into the driveway of the petitioner. As a result, the trucks were parked on the adjoining sidewalks, blocking pedestrians and traffic.
 - What will the future look like when additional commercial vehicles cannot maneuver in or out of the driveway?

6. Recommendations for ZBA Consideration:

- **Reject the petitioner's application for the expanded use. The existing special permit should not be further expanded by commercial uses within this residential neighborhood**

With kindest regards,

74 of 206

Michael Simader

--

Michael Simader

+1 312 918-7184

LI [in/simader](#)

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dtroyer@pierceatwood.com
www.pierceatwood.com

Admitted in: MA

December 2, 2024

VIA ONLINE PORTAL FILING
AND EMAIL (zba@town.arlington.ma.us)

Town of Andover - Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476
ATTENTION: Colleen Ralston

Re: 3822 20 Pond Lane

Dear Honorable Members of the Zoning Board of Appeals:

As you are aware, this office represents Pond Lane Realty, LLC (“Applicant”) in connection with the above-referenced Application for Special Use Permit before the Zoning Board of Appeals. A public hearing on my client’s application was held on October 22, 2024 and continued to November 12, 2024 and December 10, 2024.

During the October 22, 2024 public hearing, the Board requested the Applicant to provide additional information and materials including in support of its application. The Applicant is still working of obtaining the necessary information and respectfully requests that the Board continue the December 10, 2024 public hearing to an available hearing date for the Board in January 2025. The Applicant needs additional to obtain and review the site plan and prepare its supplemental information and materials to be submitted to the Board. The Applicant is aware that any materials that it intends to submit prior to the continued hearing date will need to be filed with the Board 7 days prior to the rescheduled hearing.

Please advise if our attendance is necessary at the December 10, 2024 hearing to seek this continuance.

December 2, 2024

Page 2

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or require any additional information concerning this request.

Very truly yours,

Douglas A. Troyer

Douglas A. Troyer

cc: Nick Boit (via email only)
Christian Klein (via email onlycklein@town.arlington.ma.us)

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Admitted in: MA

January 7, 2025

VIA ONLINE PORTAL FILING
AND EMAIL (zba@town.arlington.ma.us)

Town of Andover - Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476
ATTENTION: Colleen Ralston

Re: ZBA Case # 3822 20 Pond Lane

Dear Honorable Members of the Zoning Board of Appeals:

As you are aware, this office represents Pond Lane Realty, LLC (“Applicant”) in connection with the above-referenced Application for Special Use Permit before the Zoning Board of Appeals. A public hearing the Applicant’s application was held on October 22, 2024 and continued to January 14, 2025.

The Applicant’s mother passed away on January 6, 2025 and is unable to attend the hearing next week and respectfully request that the Board continue the January 14, 2025 public hearing to a date and time in February 2025. The Applicant is aware that any materials that it intends to submit prior to the continued hearing date will need to be filed with the Board 7 days prior to the rescheduled hearing.

Please advise if our attendance is necessary at the January 14, 2025 hearing to seek this continuance.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or require any additional information concerning this request.

Very truly yours,

Douglas A. Troyer

Douglas A. Troyer

January 7, 2025

Page 2

cc: Nick Boit (via email only)
Christian Klein (via email onlycklein@town.arlington.ma.us)

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Admitted in: MA

February 4, 2025

VIA ONLINE PORTAL FILING
AND EMAIL (zba@town.arlington.ma.us)

Town of Andover - Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476
ATTENTION: Colleen Ralston

Re: ZBA Case # 3822 20 Pond Lane

Dear Honorable Members of the Zoning Board of Appeals:

As you are aware, this office represents Pond Lane Realty, LLC (“Applicant”) in connection with the above-referenced Application for Special Use Permit before the Zoning Board of Appeals. A public hearing the Applicant’s application was held on October 22, 2024 and continued to February 11, 2025.

The Applicant has recently entered into a P&S Agreement to sell the property and is looking to supplement its application with the information requested by the Board at the first Public Hearing in this matter along with information concerning the potential buyer of the property and its intended use of the commercial garage. Therefore, the Applicant respectfully request that the Board continue the February 11, 2025 public hearing to a date and time in March 2025. The Applicant is aware that any materials that it intends to submit prior to the continued hearing date will need to be filed with the Board 7 days prior to the rescheduled hearing.

Please advise if our attendance is necessary at the February 11, 2025 hearing to seek this continuance.

February 4, 2025

Page 2

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or require any additional information concerning this request.

Very truly yours,

Douglas A. Troyer

Douglas A. Troyer

cc: Nick Boit (via email only)
Christian Klein (via email onlycklein@town.arlington.ma.us)

PIERCE ATWOOD &
TOWN CLERK
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2025 FEB 12 PM 2:22

DOUGLAS A. TROYER

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Admitted in: MA

February 10, 2025

VIA ONLINE PORTAL FILING
AND EMAIL (zba@town.arlington.ma.us)

Town of Andover - Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476
ATTENTION: Colleen Ralston

Re: ZBA Case # 3822 20 Pond Lane

Dear Honorable Members of the Zoning Board of Appeals:


Pursuant to Pond Lane Realty, LLC's February 4, 2025 request to continue the February 11, 2025 public hearing in the above-referenced matter to a date and time in March 2025, the Applicant waives the statutory time constraints the Zoning Board of Appeals may have regarding the above-mentioned project through April 21, 2025.

Douglas A. Troyer

Signature of applicant or authorized representative
Douglas A. Troyer
Counsel to Applicant.

cc: Nick Boit (via email only)
Christian Klein (via email only cklein@town.arlington.ma.us)

Approved by Animax Votz.

 02/11/25

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF SPECIAL USE PERMIT
APPLICATION**

To: Town of Arlington – Zoning Board of Appeals
From: Douglas A. Troyer, on behalf of Pond Lane Realty, LLC
Re: ZBA Case # 3822
20 Pond Lane, Arlington, MA - Special Use Permit Application
Parcel Id No. 10-4-5.A
Date: March 4, 2025

Dear Honorable Members of the Zoning Board of Appeals:

This Supplemental Memorandum is submitted to the Town of Arlington Zoning Board of Appeals (hereinafter the “ZBA” or “Board”) on behalf of our client, Pond Lane Realty, LLC (“Applicant”) in support of its Application for Special Use Permit pursuant to Sections 8.1.1(A) and 3.3 of the Town of Arlington Zoning Bylaws (the “Bylaw”) to continue the use of the existing commercial garage for commercial office use, storage of vehicles and equipment, and ability to perform minor maintenance to vehicles and equipment within the garage at the property located at 20 Pond Lane, Arlington, MA (“Property”).

As the ZBA is aware, the public hearing in this matter opened on October 22, 2024 and has been continued on multiple occasions to March 11, 2025. The ZBA has requested the Applicant to provide the following additional information:

- Lot Coverage = 9,678 sq ft (48% Pre-existing non-conforming – no change).
- Yard Setbacks
 - (Left) 1.5’ Garage – Pre-existing non-conforming – no change)
 - (Right) 3.3’ Garage – Pre-existing non-conforming – no change)
 - (Rear) 1.5’ Garage – Pre-existing non-conforming – no change)
- Usable Open Space Area = 0 (Pre-existing non-conforming – no change)
- Landscaped Open Space Area and Percentage- $9,678-6821/9678 = 29.5\%$ (Pre-existing non-conforming – no change)

- Number of Parking Spaces = 12 (10 inside garage) 2 (off-side parking)
- Number of Loading Spaces = 0 ((Pre-existing non-conforming – no change)

See Copy of Plot Plan of Land Prepared by Paul J. Finocchio P.L.S. of PJF & Associates, dated November 26, and attached hereto as **Exhibit “1”**).

Additionally, since the last public hearing on this matter, the Applicant has entered into a P&S Agreement with John and Karen Wheatley (“Wheatley”) which a potential closing date in April 2025. The sale of the Property is contingent upon the parties’ ability to obtain the necessary confirmation and/or necessary permitting for the Wheatley’s use of the existing commercial garage for commercial office use, storage of vehicles and equipment, and ability to perform minor maintenance to company owned vehicles and equipment within the garage at the Property.

John Wheatley is owner of RW Shattuck and Company, Inc (“RW Shattuck”) which was founded in 1857 and is the oldest business in Arlington. As I am sure the Board is aware, RW Shattuck operates numerous hardware stores in the area. Over the last decade, RW Shattuck, has acquired the Arlington Heights Wanamaker True Value Hardware store and the Lexington Ace Hardware store and now operates three (3) stores in the Arlington-Lexington areas.

Wheatley is interested in the Property for the use of its garage as a facility for the extra storage of goods and materials for RW Shattuck’s locations. Primarily it is expected that the storage of palletized product or large boxes containing items such as snowblowers or lawn mowers, ice melt, salt, sand, concrete products, fertilizers, power equipment will be made within the existing garage at the Property. There will be a forklift on site which will be used to bring product in and out of the garage. The product will be delivered mostly by pickup and small commercial trucks.

Additionally, the ability to store personal and company vehicles at the site and conduct minor onsite maintenance on company owned vehicles within the garage area is sought. There is no interest to operate an auto repair shop out of the garage as it had previously been used. Also, this site is not expected to be used on a daily basis as its function is to store extra materials for the hardware business during busy seasons and employees will be onsite on as needed basis.

Thus, the Applicant has updated its original application now that the specific use and uses have been identified and provides the following updated information in further support of its application.

I. FACTUAL BACKGROUND

The Property is located in the Town’s R-2 Zoning District and is classified as a residential/commercial property containing approximately 9,678 sq ft. with a 4,418 sf ft two-family residence and a 3,375 sq. ft. commercial garage located on the Property. (See Property Card attached Applicants’ September 12, 2024 Memorandum in Support of Special Use Permit

Application (“Original Filing”) as **Exhibit “A”**). This application continues to pertain to the use of the existing commercial garage located on the Property only.

The Applicant purchased the Property from Edward C. Simonian, Trustee of the Philip Simonian Realty Trust on October 26, 2015. (See copy of Deed recorded with the Middlesex South Registry of Deeds in Book 66280, Page 526 attached to the Original Filing as **Exhibit “B”**). From 1963 to the present, the garage located on the Property has been used for commercial purposes. The Applicant has entered into a P&S Agreement with the John and Karen Wheatley and prior to filing this application the Applicant was instructed by the Inspectional Services Director that a special use permit from the ZBA may be necessary. Thus, the Applicant supplements this application to clarify that the use of the commercial garage for office, storage of vehicles and equipment, and ability to perform minor maintenance to vehicles and equipment within the garage at the Property is a legal current use of the commercial garage, and if necessary, to request a special use permit for the continuance of the pre-existing non-conforming commercial use. No changes are being made to the Property or to the existing buildings located on the Property.

A copy of the existing conditions Plot Plan is attached to the Original Filing as **Exhibit “C”**.

HISTORY OF THE COMMERCIAL USE OF THE PROPERTY

1. In June of 1961 Philp and Margaret Simonian purchased the Property, which at that time only contained the residential structure.
2. Mr. Simonian was the owner of State Coal & Oil Co., and from the summer of 1961 to 1963 used the Property to store commercial vehicles and equipment for his business.
3. In or around May of 1963, Mr. Simonian sought a variance from the ZBA due to a decision of the then Inspector of Buildings concerning the Inspector’s refusal to issue a building permit for the construction of a commercial garage at the Property as such use was in violation of Section 14 of the Zoning Bylaws in effect at that time. Mr. Simonian was seeking to construct the garage to house his commercial vehicles and equipment and operate his business from the garage.
4. Public hearings were held in May of 1963 and the ZBA issued a decision in ZBA Case #779 permitting the construction of the commercial garage for his business and to be used for storage of commercial vehicles and equipment of Mr. Simonian’s fuel business on the Property. (See **Exhibit D** attached to the Original Filing).
5. Subsequent to the ZBA’s decision, Mr. Simonian constructed the commercial garage on the Property. The garage consists of a flat-roof cinder block structure that is 45’ wide and 75’ long (3,375 sq. ft.) and 14’ in height. The garage contains a large storage space area, office for business operations, a mezzanine storage area and two bathrooms for employees.

(Copies of photos taken in 2011 attached to the Original Filing as **Exhibit “E”** show the garage as originally constructed).

6. In July of 1965, Mr. Simonian filed a petition with the ZBA seeking permission to further rent the commercial garage located on the Property for business use. At that time, Mr. Simonian was using a small portion of the garage for his company’s business office but was no longer using the remainder of the space in the garage. Mr. Simonian sought permission to rent the remaining space in the garage to a commercial business involved in industrial truck batteries and battery charging devices for the operation of their business and storage of their vehicles and equipment. The ZBA granted the petition permitting the requested use at the Property. (See ZBA Case #959 attached to the Original Filing as **Exhibit “F”**).

7. Subsequent to 1963, the ownership of the Property was conveyed amongst Mr. Simonian’s family. In 1978 Mr. and Mrs. Simonian conveyed ownership of the Property to the Philip Simonian Realty Trust. In 1990 and again in 2004 the Property was conveyed to the Successor Trustees of the Philip Simonian Realty Trust.

8. From 1963 to 2015, the Simonian Family continued to rent out the garage for commercial uses and an auto body shop and auto mechanic business operated out of the garage during the majority of this time period. (See **Exhibit E** attached to the Original Filing).

9. On October 26, 2015, the Applicant purchased the Property. (See **Exhibit B** attached to the Original Filing). At that time the auto body shop stopped operating out of the garage and Arlington Motor Mart remained as a tenant of the Applicant and continued to perform auto repair work at the Property until 2020.

10. Additionally, from October 2015 to end of 2022, the Applicant’s prior property management company, Barrington Management Company and Brigs LLC, used a portion of the garage for its maintenance division for the storage of materials, use as a woodworking shop, and parking for commercial vehicles. The Applicant further rented the garage to Flagship Cleaning Services, later renamed Syntegra, a commercial cleaning company who also used the garage for storage of materials and supplies, storage of commercial cleaning vehicles and used the office in the garage for its main office for operations.

11. The Applicant has replaced the roof on the garage and performed some interior work to clean-up the garage storage area, office, and restrooms. In 2019, the Applicant painted the garage while doing renovation work to the residential structure on the Property. (See photos attached to the Original Filing as **Exhibit “G”**).

12. In or around late 2022 to the Spring of 2023, the Applicant continued to perform maintenance work to the Property and contacted the Director of the Recreational Commission concerning the creation a buffer area between the Property and the abutting Town Property. The Town currently rents its land to Arlington/Belmont Crew organization who uses the Town’s property to store its recreational boats and equipment. In the Spring of 2023, the Recreational Commission approved work allowing the Applicant to remove certain pavement and install a

landscape buffer consisting of stone gravel, and several hedges and trees on the boundary line separating and creating a buffer area between the properties. (See **Exhibit C** and copies of photos of the existing conditions at the site along with photos showing the interior of the garage attached to the Original Filing as **Exhibit “H”**).

13. From 2022 to December 2023 the garage was used by Buffington, LLC, a real estate management company for use as a maintenance facility, site of operations and parking of commercial vehicles and equipment. The Applicant is currently considering placing the Property on the market and is considering his options concerning the continued commercial operations for the garage.

14. Thus, from the garage’s initial construction in 1963 to the present, the garage has been used for commercial operations for office use, storage of and maintenance of vehicles and equipment by the owner of the Property and by its tenants. The Applicant seeks permission to continue such uses and further seeks clarification that should the Property be sold that any subsequent owner would be able to use the garage in the same historical manner.

I. REQUEST FOR SPECIAL USE PERMT AND FINDING THAT THE PRE-EXISTING NON-CONFORMING USE OF THE GARAGE FOR STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT AND LIGHT CONSTRUCTION WORK SHALL NOT BE SUBSTANTIALLY MORE DETRIMENTAL THAN THE EXISTING NON-CONFORMING USE TO THE NEIGHBORHOOD.

Relevant portions of Section 8.1.1(A) of the Bylaws provides as follows:

Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017)... Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.

It is the Applicant’s position that the proposed continued use of the garage at the Property shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Furthermore, the Applicant states that as provided in more detail below, its pending Application for Special Use Permit meets the criteria set forth in Section 3.3.3 of the Bylaw as follows:

1. The Requested Use is Essential or Desirable to the Public Convenience and Welfare:

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and perform minor maintenance to owner vehicles and equipment within the garage at the Property is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

2. The Requested Use Will Not Create Undue Traffic Congestion, or unduly Impair Pedestrian Safety:

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that 2-3 employees will be on site when needed and small commercial vehicles and pickup trucks will be used on site with ample storage and up to 10 parking spots available inside of the garage.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

3. The Requested Use Will Not Overload Any Public Water, Drainage Or Sewer System, Or Any Other Municipal System To Such An Extent That The Requested Use in the Immediate Area Or Any Other Area Of The Town Will Be Unduly Subjected To Hazards Affecting Health, Safety Or The General Welfare:

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they

are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

4. The Special Provisions For The Requested Use Under the Bylaw Are Fulfilled.

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and perform minor maintenance to owner vehicles and equipment within the garage at the Property. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

5. The Requested Use Will Not Impair The Integrity Or Character Of the District Or Adjoining Districts, Nor be Detrimental To the Health or Welfare.

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

6. The Requested Use Will Not, By Its Addition To The Neighborhood, Cause An Excess Of the Use That Could Be Detrimental To The Character Of Said Neighborhood.

It is the Applicant's position that the proposed used is consistent with the historical use of the garage and that the proposed use is a significant decrease in uses conducted at the site over the years and that the proposed use will not be detrimental to the character of the neighborhood.

III. CONCLUSION

For all of the above reasons, the Property has historically been used for both residential and commercial purposes. The continuance of the requested commercial use of the garage on the Property will fit seamlessly with the existing use at the Property and neighborhood as there will essentially be no change to the uses of the garage on the Property that have been continuously and consistently made since 1963.

Furthermore, as provided above and in the supporting materials submitted in support herewith, it is the Applicant's position that it has shown sufficient evidence to support a finding from the ZBA that the requested use of the garage on the property for the storage of commercial vehicles and equipment, office use, and perform minor maintenance to owner vehicles and

March 4, 2025

Page -8-

equipment within the garage at the Property will not be substantially more determinantal than the existing nonconforming use to the neighborhood and that its application complies with all applicable criteria set forth in Section 3.3 of the Bylaw to grant the special use permit requested by the Applicant.

Therefore, the Applicant respectfully request that the ZBA grant the Applicant's application for Special Use Permit.

Thank you for your attention to this matter and should you have any questions or require any additional information concerning this Application, please do not hesitate to contact me directly.

Respectfully submitted,

POND LANE REALTY, LLC

By its attorneys,

[DOUGLAS A. TROYER](#)

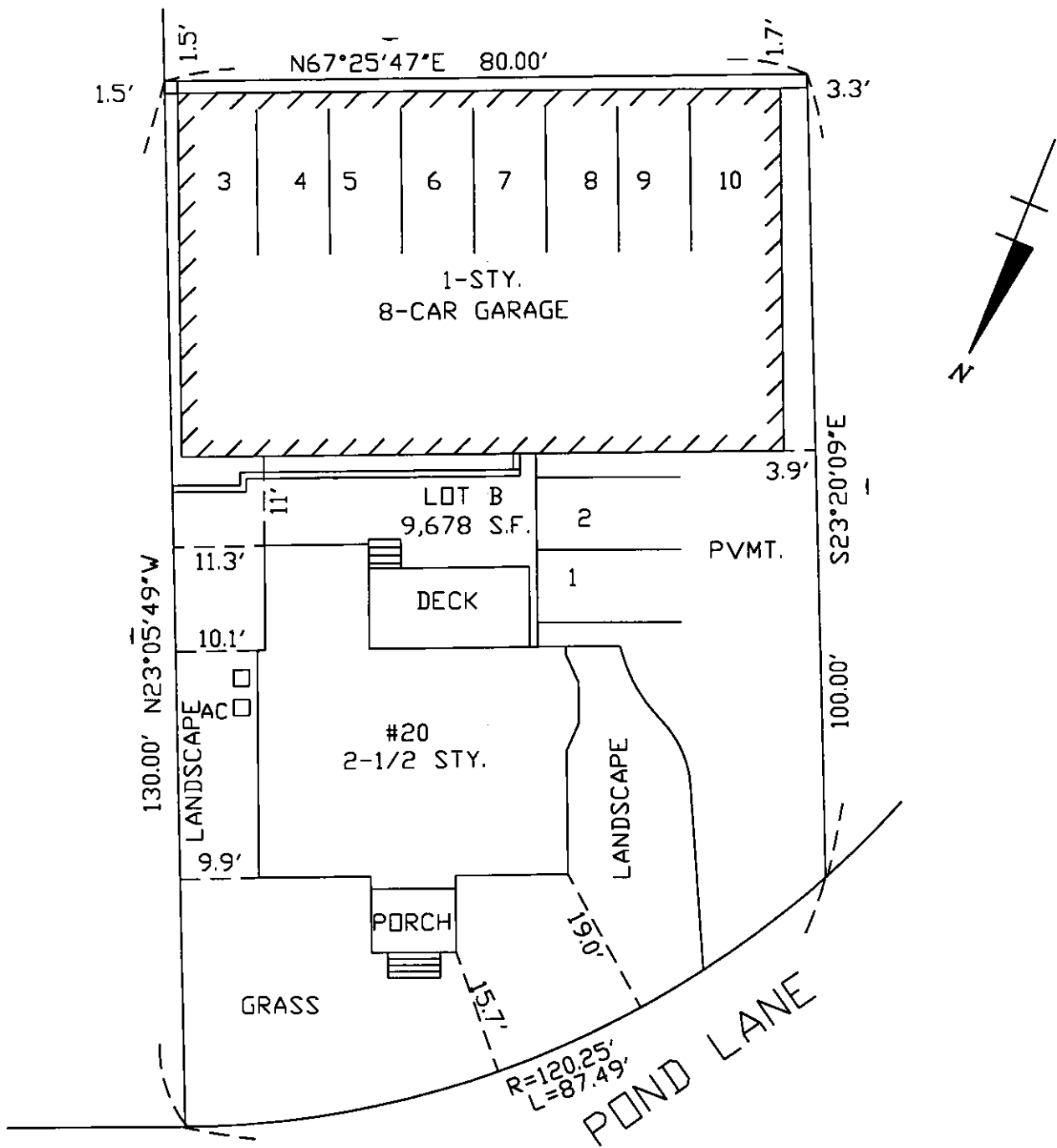
Douglas A. Troyer
100 Summer Street, 22nd Floor
Boston, MA 02110
(671) 488-8236
dtroyer@pierceatwood.com

cc: Client (via email only)

EXHIBIT 1

LOT COVERAGE
9678-4954/9678 = 48.8%
LANDSCAPED OPEN SPACE
9678-6821/9678 = 29.5%

	EXISTING	REQ'D.	
SETBACKS			
FRONT	15.7' PORCH 19' HOUSE	20'	
SIDE (LT)	1.5' GARAGE	6'	
SIDE (RT)	3.3' GARAGE	6'	
REAR	1.5' GARAGE	20'	
PARKING SPACES	10		
LOADING BAYS	0		
LOT COV.	48.8%	35%	
USABLE OPEN SPACE	0 %	30%	
LANDSCAPED OPEN SPACE	29.5%	10%	



NOTE:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL ON THE GROUND INSTRUMENT SURVEY.



PAUL J. FINOCCHIO P.L.S. No.36115 DATE 11/26/24

PLOT PLAN OF LAND
IN
ARLINGTON, MA

PREPARED BY:
PJF & ASSOCIATES
4 HIGHLAND AVE WAKEFIELD, MA
PAUL J. FINOCCHIO-P.L.S.
(781)883-5473
SCALE: 1" = 20'
DEED REF.:
DATE: NOVEMBER 26, 2024
FILE No.:6953B 92 of 206

**SP-24-26**

Special Use Permit
Application (ZBA)

Status: Active
Submitted On: 9/12/2024


Primary Location

20 POND LN Unit 2
Arlington, MA 02474


Owner

POND LANE REALTY LLC
C/O NICHOLAS BOIT; 32
HARBOUR DR N OCEAN RIDGE,
FL 33435

Applicant

 Douglas Troyer
 617-466-8236
 dtroyer@pierceatwood.com
 100 Summer Street
22nd Floor
Boston, MA 02110

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)**** 

Section 8.1.1(A) of the Zoning Bylaw.

Explain why the requested use is essential or desirable to the public convenience or welfare.*

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

Dimensional and Parking Information

Present Use/Occupancy *

Commerical Garage

Proposed Use/Occupancy *

Commercial Garage

Existing Number of Dwelling Units*

0

Proposed Number of Dwelling Units*

0

Existing Gross Floor Area (Sq. Ft.)*

3375

Proposed Gross Floor Area (Sq. Ft.)*

3375

Existing Lot Size (Sq. Ft.)*

9200

Proposed Lot Size (Sq. Ft.)* ?

9200

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

87.49

Proposed Frontage (ft.)*

87.49

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

0

Existing Lot Coverage (%)*

0

Proposed Lot Coverage (%)*

0

Max. Lot Coverage required by Zoning*

0

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

0

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

0

Minimum Lot Area per Dwelling Unit required by Zoning*

0

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

0

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning*
0

Existing Left Side Yard Depth (ft.)*
0

Proposed Left Side Yard Depth (ft.)*
0

Minimum Left Side Yard Depth required by Zoning*
0

Existing Right Side Yard Depth (ft.)*
0

Proposed Right Side Yard Depth (ft.)*
0

Minimum Right Side Yard Depth required by Zoning*
0

Existing Rear Yard Depth (ft.)*
0

Proposed Rear Yard Depth (ft.)*
0

Minimum Rear Yard Depth required by Zoning*
0

Existing Height (stories)
1

Proposed Height (stories)*
1

Maximum Height (stories) required by Zoning*
3

Existing Height (ft.)*
14

Proposed Height (ft.)*
14

Maximum Height (ft.) required by Zoning*
29

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

0

Proposed Landscaped Open Space (Sq. Ft.)*

0

Existing Landscaped Open Space (% of GFA)*

0

Proposed Landscaped Open Space (% of GFA)*

0

Minimum Landscaped Open Space (% of GFA)
required by Zoning*

0

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

0

Existing Usable Open Space (% of GFA)* ?

0

Proposed Usable Open Space (% of GFA)* ?

0

Minimum Usable Open Space required by Zoning*

0

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by
Zoning*

0

Existing Parking area setbacks

0

Proposed Parking area setbacks *

0

Minimum Parking Area Setbacks required by
Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

0

Proposed Slope of proposed roof(s) (in. per ft.)*

0

Minimum Slope of Proposed Roof(s) required by Zoning*

0

Existing type of construction*

0

Proposed type of construction*

0

Open Space Information

Existing Total Lot Area*

9200

Proposed Total Lot Area*

9200

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

0

Existing Open Space, Landscaped*

0

Proposed Open Space, Landscaped*

0

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

0

1st Floor, Proposed Gross Floor Area

0

2nd Floor, Existing Gross Floor Area

0

2nd Floor, Proposed Gross Floor Area

0

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

0

+

×

÷

=

Total Proposed Gross Floor Area

0

+

×

÷

=

APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



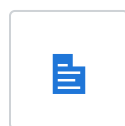
Applicant's Signature*



Nick Boit

Sep 4, 2024

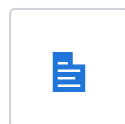
Attachments



3822 20 Pond Lane Abutter List.pdf

3822 20 Pond Lane Abutter List.pdf

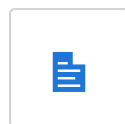
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3822 20 Pond Lane Abutters map.pdf

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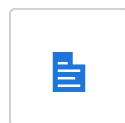
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3821 20 Pond Lane legal ad.pdf

3821 20 Pond Lane legal ad.pdf











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Neighbor Photos 20 Pond Lane - Creedon.pdf

Neighbor Photos 20 Pond Lane - Creedon.pdf

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	Lt to ZBA 12.2.24.pdf Lt to ZBA 12.2.24.pdf Uploaded by Douglas Troyer on Dec 2, 2024 at 3:45 PM	
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	2.4.25 Lt to ZBA.pdf 2.4.25 Lt to ZBA.pdf Uploaded by Douglas Troyer on Feb 4, 2025 at 1:46 PM	
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	Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf Uploaded by Colleen Ralston on Feb 12, 2025 at 3:04 PM	
	Final Supplemental Filing 3.4.25.pdf Final Supplemental Filing 3.4.25.pdf Uploaded by Douglas Troyer on Mar 4, 2025 at 3:23 PM	
	Supporting Documentation [worksheet and drawings] Final Memo in Support of Application 9.12.24.pdf Uploaded by Douglas Troyer on Sep 12, 2024 at 1:52 PM	REQUIRED

Zoning Board of Appeals
Town of Arlington
51 Grove Street Arlington, MA 02476
Attn: Colleen Ralston

March 7th, 2025

Re: **Petition to Expand Commercial Use at 20 Pond Lane**

Dear Members of the Zoning Board of Appeals:

I write to respectfully request that the Board **deny** any expansion of commercial use at 20 Pond Lane. I reside at 15 Pond Lane, directly adjacent to the property in question. My concerns center on both the **procedural impropriety** of the current request and the **significant negative impacts** that the proposed expanded use would impose on our residential neighborhood.

1. Statement of Facts and Existing Special Permit

- In 1963, the property at 20 Pond Lane obtained a **building permit** for the construction of a garage. This permit did not grant any commercial uses of this property.
- In 1967, the property at 20 Pond Lane obtained a **special permit** allowing:
 - One owner plus two employees,
 - One pickup truck,
 - Operation of a business with no heavy or noisy work, and minimal customer or supplier traffic.
 - For a business purpose substantially similar to the Harrington Equipment Co.
- This 1967 special permit is the **only** permit validly on record. Over the decades, commercial activities at 20 Pond Lane operated **unlawfully**, without proper permits or occupancy certificates. Despite these violations, **no corrective action** was taken to enforce or revoke the 1967 special permit.
- **The owners of the property have not complied with the conditions set forth in the special permit for decades.**
- **No Comparable Property:** Public records and inquiries returned negative results. There is **no comparable property** in an R2-zoned area in Arlington or in any of the neighboring towns that permits this type of commercial use. This petition effectively seeks a **precedent-setting** expansion of industrial-type use in a residentially zoned district.

2. Procedural and Legal Concerns

1. Unclear Basis of the Current Petition

It remains uncertain whether the present application is an **amendment to the 1967 special permit** or a **new** special permit request. There has been **no** explicit clarification on the existing permitted use or how the petitioner and future property owner intend to comply with the 1967 terms.

2. Request for 'Commercial Garage' and Central Warehouse for a Retail Chain

The petitioner seeks to repurpose the property as a central warehouse for a retail chain, a significant expansion beyond its prior limited use for **passive** storage. This proposal involves the daily movement of goods typically restricted to industrial zones. Additionally, the petitioner has requested approval for a 'commercial garage' without providing a clear definition of its intended use. In other jurisdictions, such a designation often includes commercial vehicle storage, automotive repairs, and other revenue-generating activities. Under Section 5.4.3 (Use Regulations for Residential Districts), these uses are explicitly prohibited in the R2 district, and no special permit can be granted to allow them.

3. Failure to Solicit Neighbor Input

Despite clear directives from the Board (October 22nd meeting), the petitioner has made **no** legitimate effort to involve neighbors in refining the proposal. This contradicts the requirement that the requested use be essential or desirable to the public convenience or welfare. Despite the opportunity to refine the proposal and incorporate neighbor feedback, the applicant did not put forward any self-imposed restrictions to limit the extent or time of operations at the property.

4. Failure to Provide Evidence

The petitioner has failed to present any concrete evidence demonstrating that the requested use would serve the public convenience or welfare, pose no risk to traffic flow or pedestrian safety, or have no adverse impact on public infrastructure. Furthermore, the petitioner asserts that the proposed future uses align with the property's historical use. **However, this claim effectively amounts to a commitment to continue the property's prior unlawful use.**

5. History of Illegal Use

The property was used unlawfully for decades with no updated permit or valid occupancy certificates. It may now be appropriate for the Board to consider **revoking** the 1967 special permit or enforcing it strictly, rather than expanding rights for a property that has historically violated permit conditions.

3. Detriment to Neighbors and Neighborhood Character

Should the Board allow any expansion, the proposal raises **serious questions** of **detriment to the public good**, including:

1. **Noise and Hours of Operation**

Without clear constraints, the neighborhood risks late-night, early-morning and weekend noise.

2. **Traffic and Access**

Narrow streets, limited parking, low-hanging power lines, and a nearby fire hydrant make heavier traffic and large commercial vehicles unsafe and impractical.

3. **Waste and Environmental Impact**

Increased trash, potential for hazardous material storage, and the risk of attracting rodents or pests create environmental and public health concerns.

4. **Equipment Storage**

Frequent equipment and goods movement can lead to heavy vehicular traffic. Large equipment and goods may require trailers with wide turn radiuses, incompatible with the existing residential infrastructure.

5. **Changing Neighborhood Context**

Since 1967, when a handful of commercial businesses were nearby, the district has evolved into a predominantly **residential** community. Multi-unit developments, increased pedestrian and bicycle traffic, and new parks now characterize the area including an in-home daycare across the street, making industrial or intensive commercial use wholly **inconsistent** with the current neighborhood fabric.

4. Conclusion and Requested Relief

To protect the character of our residential neighborhood and **uphold the integrity** of Arlington's zoning laws, I respectfully request that the Board:

1. **Deny** the petition to ensure continued compliance with the 1967 special permit or, where appropriate, consider **revoking** the 1967 permit altogether due to the historic and ongoing violations.
2. **Require Clarity** on whether this application constitutes a new special permit request or merely an amendment to the 1967 special permit, and **enforce** the bylaw constraints on commercial and industrial use in this district.
3. **Impose Specific Conditions** if any commercial use is allowed:
 - Enforceable hours of operation,
 - Explicit limits on vehicle size and number,
 - Prohibitions on any industrial or manufacturing activities,
 - Prohibitions on the type of material, hazardous or not, to be stored on the property.
 - Clear definitions and periodic review to prevent future unauthorized expansion.
4. **Consider a Definitive Time Limitation** on any renewed or modified special permit, subject to reevaluation based on neighborhood impact and compliance.

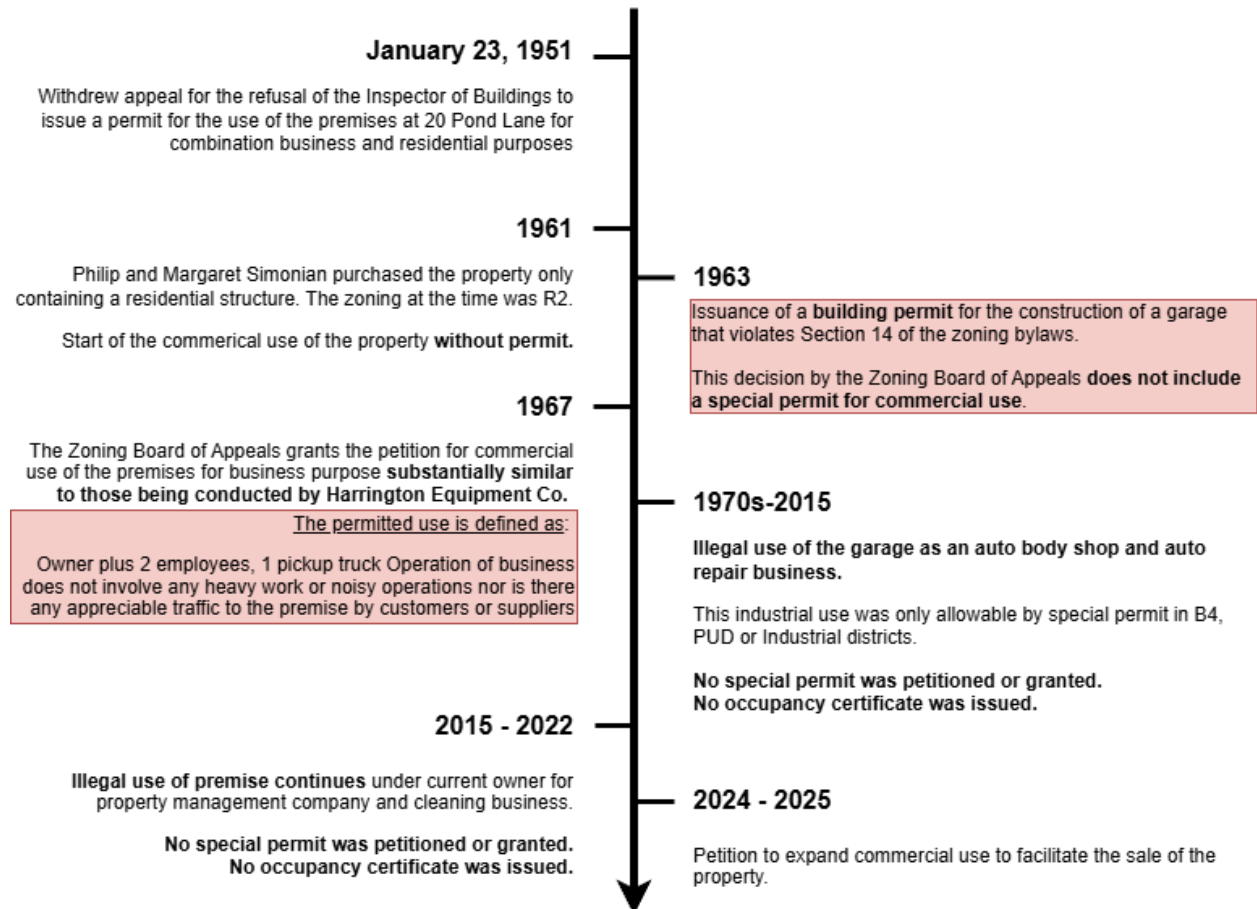
By taking these steps, the Board can ensure the property's use remains compatible with the existing residential district and does not jeopardize the public interest. Thank you for your time and consideration. Should you have any questions or require further information, please feel free to contact me.

Sincerely,

Michael Simader

15 Pond Lane
Arlington, MA 02474

Attachments



SP-24-26

Special Use Permit Application (ZBA)

Status: Active

Submitted On: 9/12/2024

Primary Location

20 POND LN Unit 2
Arlington, MA 02474


Owner

POND LANE REALTY LLC
C/O NICHOLAS BOIT; 32 HARBOUR DR N
OCEAN RIDGE, FL 33435

Applicant

 Douglas Troyer
 617-466-8236
 dtroyer@pierceatwood.com
 100 Summer Street
22nd Floor
Boston, MA 02110

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made  or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)****

Section 8.1.1(A) of the Zoning Bylaw. See also Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Explain why the requested use is essential or desirable to the public convenience or welfare.*

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and perform minor maintenance to owner vehicles and equipment within the garage at the Property is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that 2-3 employees will be on site when needed and small commercial vehicles and pickup trucks will be used on site and with ample storage and up to 10 parking spots available inside of the garage.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion or unduly impair pedestrian safety.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and perform minor maintenance to owner vehicles and equipment within the garage at the Property. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

It is the Applicant's position that the proposed used is consistent with the historical use of the garage and that the proposed use is a significant decrease in uses conducted at the site over the years and that the proposed use will not be detrimental to the character of the neighborhood.

The Applicant further directs the ZBA's attention to Applicant's Supplemental Memorandum in Support of Special Use Permit Application filed in support of this Application on 3/4/25.

Dimensional and Parking Information

Present Use/Occupancy *

Commerical Garage

Proposed Use/Occupancy *

Commercial Garage - No Change 3/25/25

Existing Number of Dwelling Units*

0

Proposed Number of Dwelling Units*

0

Existing Gross Floor Area (Sq. Ft.)*

3375

Proposed Gross Floor Area (Sq. Ft.)*

3375

Existing Lot Size (Sq. Ft.)*

9200

Proposed Lot Size (Sq. Ft.)* ?

9200

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

87.49

Proposed Frontage (ft.)*

87.49

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

0

Existing Lot Coverage (%)*

0

Proposed Lot Coverage (%)*

0

Max. Lot Coverage required by Zoning*

0

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

0

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

0

Minimum Lot Area per Dwelling Unit required by Zoning*

0

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

0

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning* ?

0

Existing Left Side Yard Depth (ft.)* ?

0

Proposed Left Side Yard Depth (ft.)* ?

0

Minimum Left Side Yard Depth required by Zoning* ?

0

Existing Right Side Yard Depth (ft.)* ?

0

Proposed Right Side Yard Depth (ft.)* ?

0

Minimum Right Side Yard Depth required by Zoning* ?

0

Existing Rear Yard Depth (ft.)*

0

Proposed Rear Yard Depth (ft.)*

0

Minimum Rear Yard Depth required by Zoning*

0

Existing Height (stories)

1

Proposed Height (stories)*

1

Maximum Height (stories) required by Zoning*

3

Existing Height (ft.)*

14

Proposed Height (ft.)*

14

Maximum Height (ft.) required by Zoning*

29

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

0

Proposed Landscaped Open Space (Sq. Ft.)*

0

Existing Landscaped Open Space (% of GFA)*

0

Proposed Landscaped Open Space (% of GFA)*

0

Minimum Landscaped Open Space (% of GFA) required by Zoning*

0

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

0

Existing Usable Open Space (% of GFA)* ?

0

Proposed Usable Open Space (% of GFA)* ?

0

Minimum Usable Open Space required by Zoning*

0

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by Zoning*

0

Existing Parking area setbacks

0

Proposed Parking area setbacks *

0

Minimum Parking Area Setbacks required by Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

0

Proposed Slope of proposed roof(s) (in. per ft.)*

0

Minimum Slope of Proposed Roof(s) required by Zoning*

0

Existing type of construction*

0

Proposed type of construction*

0

Open Space Information

Existing Total Lot Area*

9200

Proposed Total Lot Area*

9200

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

0

Existing Open Space, Landscaped*

0

Proposed Open Space, Landscaped*

0

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area 

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

0

1st Floor, Proposed Gross Floor Area

0

2nd Floor, Existing Gross Floor Area

0

2nd Floor, Proposed Gross Floor Area

0

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area 

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area 

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies, Existing Gross Floor Area

0

All weather habitable porches and balconies, Proposed Gross Floor Area

0

Total Existing Gross Floor Area

0 

Total Proposed Gross Floor Area

0 

APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.















I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



Applicant's Signature*

 Nick Boit
Sep 4, 2024

Attachments

	3822 20 Pond Lane Abutter List.pdf 3822 20 Pond Lane Abutter List.pdf Uploaded by Colleen Ralston on Oct 1, 2024 at 9:19 AM
	3822 20 Pond Lane Abutters map.pdf 3822 20 Pond Lane Abutters map.pdf Uploaded by Colleen Ralston on Oct 1, 2024 at 9:19 AM
	3821 20 Pond Lane legal ad.pdf 3821 20 Pond Lane legal ad.pdf Uploaded by Colleen Ralston on Oct 1, 2024 at 9:21 AM
	Neighbor Photos 20 Pond Lane - Creedon.pdf Neighbor Photos 20 Pond Lane - Creedon.pdf Uploaded by Colleen Ralston on Oct 21, 2024 at 8:29 AM
	Neighbor letter -20 Pond Lane - Creedon.pdf Neighbor letter -20 Pond Lane - Creedon.pdf Uploaded by Colleen Ralston on Oct 21, 2024 at 8:29 AM
	Neighbor letter -20 Pond Lane - Simader.pdf Neighbor letter -20 Pond Lane - Simader.pdf Uploaded by Colleen Ralston on Oct 21, 2024 at 8:32 AM
	Lt to ZBA 11.7.24(17595170.1).pdf Lt to ZBA 11.7.24(17595170.1).pdf Uploaded by Douglas Troyer on Nov 7, 2024 at 11:53 AM
	Lt to ZBA 12.2.24.pdf Lt to ZBA 12.2.24.pdf Uploaded by Douglas Troyer on Dec 2, 2024 at 3:45 PM
	Lt to ZBA 1.7.25.pdf Lt to ZBA 1.7.25.pdf Uploaded by Douglas Troyer on Jan 7, 2025 at 2:57 PM
	2.4.25 Lt to ZBA.pdf 2.4.25 Lt to ZBA.pdf Uploaded by Douglas Troyer on Feb 4, 2025 at 1:46 PM
	Waiver of Time Constraints Lt to ZBA 2.10.25(17843495.1).pdf Waiver of Time Constraints Lt to ZBA 2.10.25(17843495.1).pdf Uploaded by Douglas Troyer on Feb 10, 2025 at 4:40 PM
	Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf Uploaded by Colleen Ralston on Feb 12, 2025 at 3:04 PM
	Final Supplemental Filing 3.4.25.pdf Final Supplemental Filing 3.4.25.pdf Uploaded by Douglas Troyer on Mar 4, 2025 at 3:23 PM
	3822 20 Pond Lane Application before 3-6-2025 SP-24-26.pdf 3822 20 Pond Lane Application before 3-6-2025 SP-24-26.pdf Uploaded by Colleen Ralston on Mar 6, 2025 at 9:16 AM



Michael Simader - Letter to ZBA in Opposition to the Expansion of Commercial Use at 20 Pond Ln.pdf

Michael Simader - Letter to ZBA in Opposition to the Expansion of Commercial Use at 20 Pond Ln.pdf

Uploaded by Colleen Ralston on Mar 10, 2025 at 8:35 AM



Supporting Documentation [worksheet and drawings]

REQUIRED

Final Memo in Support of Application 9.12.24.pdf

Uploaded by Douglas Troyer on Sep 12, 2024 at 1:52 PM



Town of Arlington, Massachusetts

Docket #3830 39 Woodside Lane (continued)

Summary:

OpenGov link <https://arlingtonma.portal.opengov.com/records/204691>

ATTACHMENTS:

Type	File Name	Description
Reference Material	3830_39_Woodside_Lane_Application_SP-24-33.pdf	3830 39 Woodside Lane Application SP-24-33
Reference Material	3830_39_Woodside_Ln_Legal_Ad.pdf	3830 39 Woodside Ln Legal Ad
Reference Material	3830_39_Woodside_Lane_Drawings.pdf	3830 39 Woodside Lane Drawings
Reference Material	3830_39_Woodside_Lane_Plot_Plan.pdf	3830 39 Woodside Lane Plot Plan
Reference Material	3830_39_Woodside_Lane_drawings_updated_12-12-2024.pdf	3830 39 Woodside Lane drawings updated 12-12-2024
Reference Material	3830_39_Woodside_REVIEW_OF_NEIGHBORHOOD_-_2025.pdf	3830 39 Woodside REVIEW OF NEIGHBORHOOD - 2025
Reference Material	3830_39_Woodside_Rd_Useable_open_space.pdf	3830 39 Woodside Rd Useable open space
Reference Material	3830_39_Woodside_Revised_certified_plot_plan.pdf	3830 39 Woodside Revised certified plot plan
Reference Material	3830_39_Woodside_Area_Map.pdf	3830 39 Woodside Area Map
Reference Material	3830_39_Woodside_abutter_ltr_Moore.pdf	3830 39 Woodside abutter ltr Moore
Reference Material	Neighbor_letter_Lubar_39_Woodside_Lane.pdf	Neighbor letter Lubar 39 Woodside Lane 01182025
Reference Material	3830_39_Woodside_Lane_continuance_ltr_3-4-25.pdf	3830 39 Woodside Lane continuance ltr 3-4-25

**SP-24-33**

Special Use Permit
Application (ZBA)

Status: Active
Submitted On: 11/25/2024





Primary Location

39 WOODSIDE LN
Arlington, MA 02474


Owner

BETTER HOMES REALTY LLC
28 REVERE RD WOBURN, MA
01801

Applicant

 Miguel Goyeneche
 617-593-5275
 gary@acgeneralcontractinginc.com
 28 Revere Road
Woburn, MA 01801

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)*** 

The requested use is allowable by Special Permit with positive finds under 8.1.1, 8.1.3(A) and 5.42(B)(6) of the Bylaw.

Explain why the requested use is essential or desirable to the public convenience or welfare.*

The requested use is essential or desirable to the public convenience or welfare as the improvement of the residence is necessary for the needs of a growing family, including the increased need for additional space to enable family members to work from home, which has become more prevalent since the pandemic.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The requested use will not create undue traffic congestion, or unduly impair pedestrian safety because the property will remain a single-family home occupied by a family. The parking spaces will number two (2) in total.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

The requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare since, although the use is adding additional bathrooms, the increased water usage is negligible as a one family home. There will not be the creation of hazards affecting health, safety or the general welfare.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

There are no special regulations which apply to the proposed use.

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare because the use will remain as a residence for a family.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood as a home presently exists on the property. The Applicant seeks to expand the home for the needs of a growing family. There are comparable sized homes in the area.

Dimensional and Parking Information

Present Use/Occupancy *

Residential

Proposed Use/Occupancy *

Residential

Existing Number of Dwelling Units*

1

Proposed Number of Dwelling Units*

1

Existing Gross Floor Area (Sq. Ft.)*

1442

Proposed Gross Floor Area (Sq. Ft.)*

4562

Existing Lot Size (Sq. Ft.)*

9120

Proposed Lot Size (Sq. Ft.)* ?

9120

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

64.27

Proposed Frontage (ft.)*

64.27

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0.16

Proposed Floor Area Ratio*

0.5

Max. Floor Area Ratio required by Zoning*

0

Existing Lot Coverage (%)*

15.8

Proposed Lot Coverage (%)*

21

Max. Lot Coverage required by Zoning*

35

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

9120

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

9120

Minimum Lot Area per Dwelling Unit required by Zoning*

6000

Existing Front Yard Depth (ft.)*

38.3

Proposed Front Yard Depth (ft.)*

26.8

Minimum Front Yard Depth required by Zoning*

25

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning*

0

?

Existing Left Side Yard Depth (ft.)* ?

13.6

Proposed Left Side Yard Depth (ft.)* ?

13.6

Minimum Left Side Yard Depth required by Zoning* ?

10

Existing Right Side Yard Depth (ft.)* ?

36.6

Proposed Right Side Yard Depth (ft.)* ?

14.8

Minimum Right Side Yard Depth required by Zoning*

10

?

Existing Rear Yard Depth (ft.)*

11.9

Proposed Rear Yard Depth (ft.)*

11.9

Minimum Rear Yard Depth required by Zoning*

20

Existing Height (stories)

2

Proposed Height (stories)*

2.5

Maximum Height (stories) required by Zoning*

2.5

Existing Height (ft.)*

29

Proposed Height (ft.)*

34.667

Maximum Height (ft.) required by Zoning*

35

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

5424

Proposed Landscaped Open Space (Sq. Ft.)*

2372

Existing Landscaped Open Space (% of GFA)*

376.1

Proposed Landscaped Open Space (% of GFA)*

52

Minimum Landscaped Open Space (% of GFA) required by Zoning*

10

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

1612

Existing Usable Open Space (% of GFA)* ?

0

Proposed Usable Open Space (% of GFA)* ?

35.3

Minimum Usable Open Space required by Zoning*

30

Existing Number of Parking Spaces*

1

Proposed Number of Parking Spaces*

2

Minimum Number of Parking Spaces required by Zoning*

2

Existing Parking area setbacks

—

Proposed Parking area setbacks *

8.7

Minimum Parking Area Setbacks required by Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

5

Proposed Slope of proposed roof(s) (in. per ft.)*

2

Minimum Slope of Proposed Roof(s) required by Zoning*

2

Existing type of construction*

Type 5 - wood

Proposed type of construction*

Type 5 - wood

Open Space Information

Existing Total Lot Area*

9120

Proposed Total Lot Area*

9120

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

1612

Existing Open Space, Landscaped*

5424

Proposed Open Space, Landscaped*

2372

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

703

1st Floor, Proposed Gross Floor Area

1809

2nd Floor, Existing Gross Floor Area

739

2nd Floor, Proposed Gross Floor Area

1859

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

894

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies, Existing
Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

1442



Total Proposed Gross Floor Area

4562



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



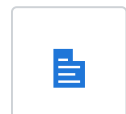
Applicant's Signature*



Paul Lessard

Nov 19, 2024

Attachments

**21526-015.pdf**

21526-015.pdf

Uploaded by Miguel Goyeneche on Nov 21, 2024 at 1:06 PM



Supporting Documentation [worksheet and drawings]

REQUIRED

39 Woodside Lane Permit Dwg 6.26.24.pdf

Uploaded by Miguel Goyeneche on Nov 19, 2024 at 1:03 PM



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

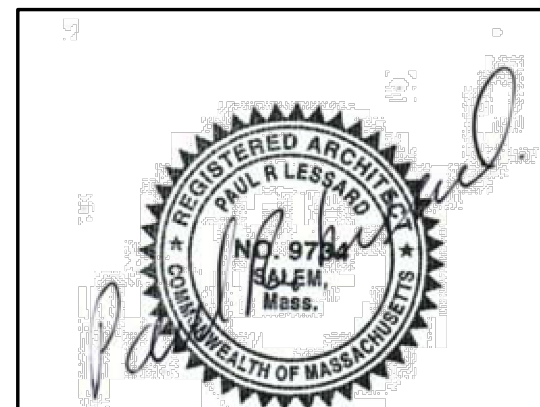
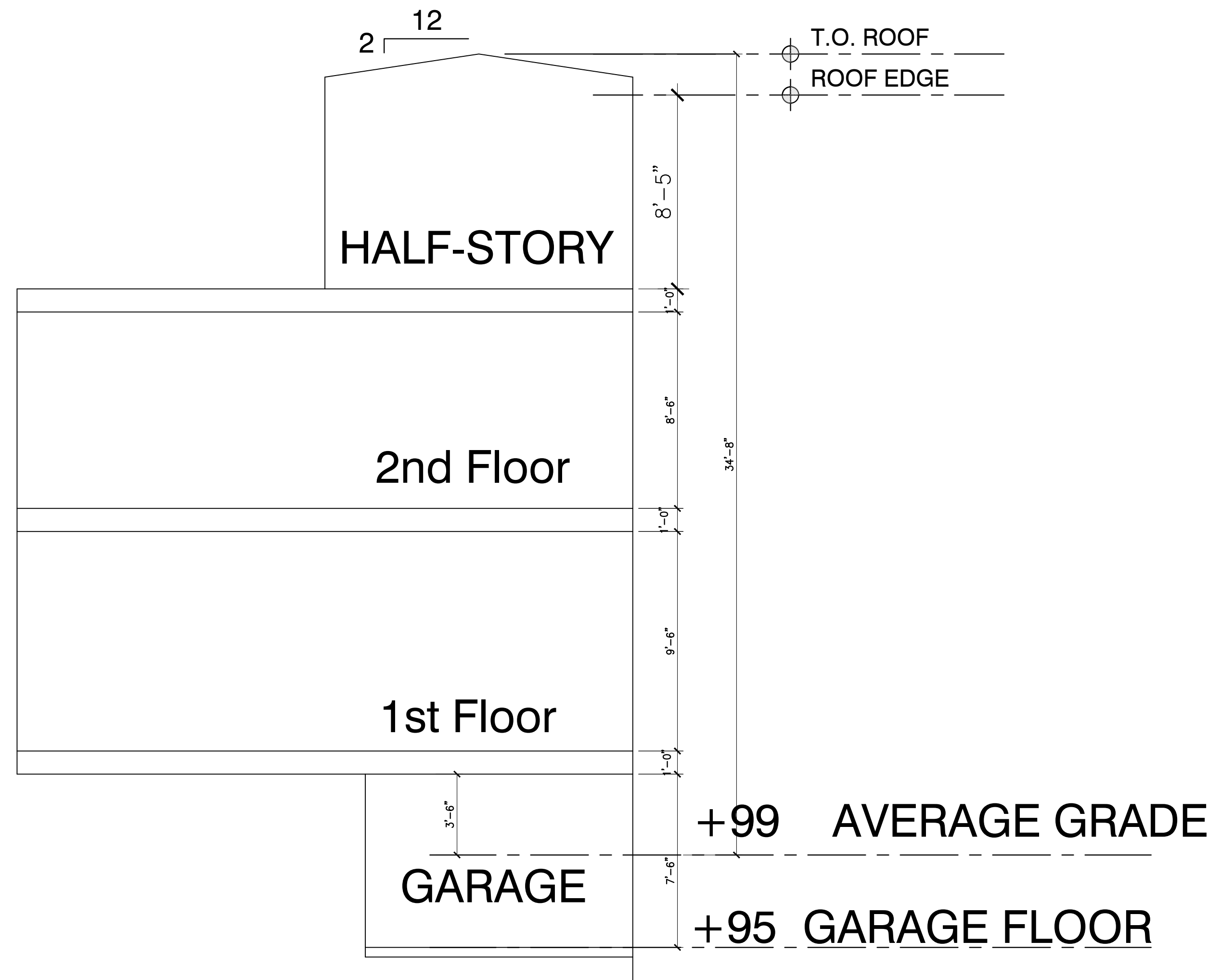
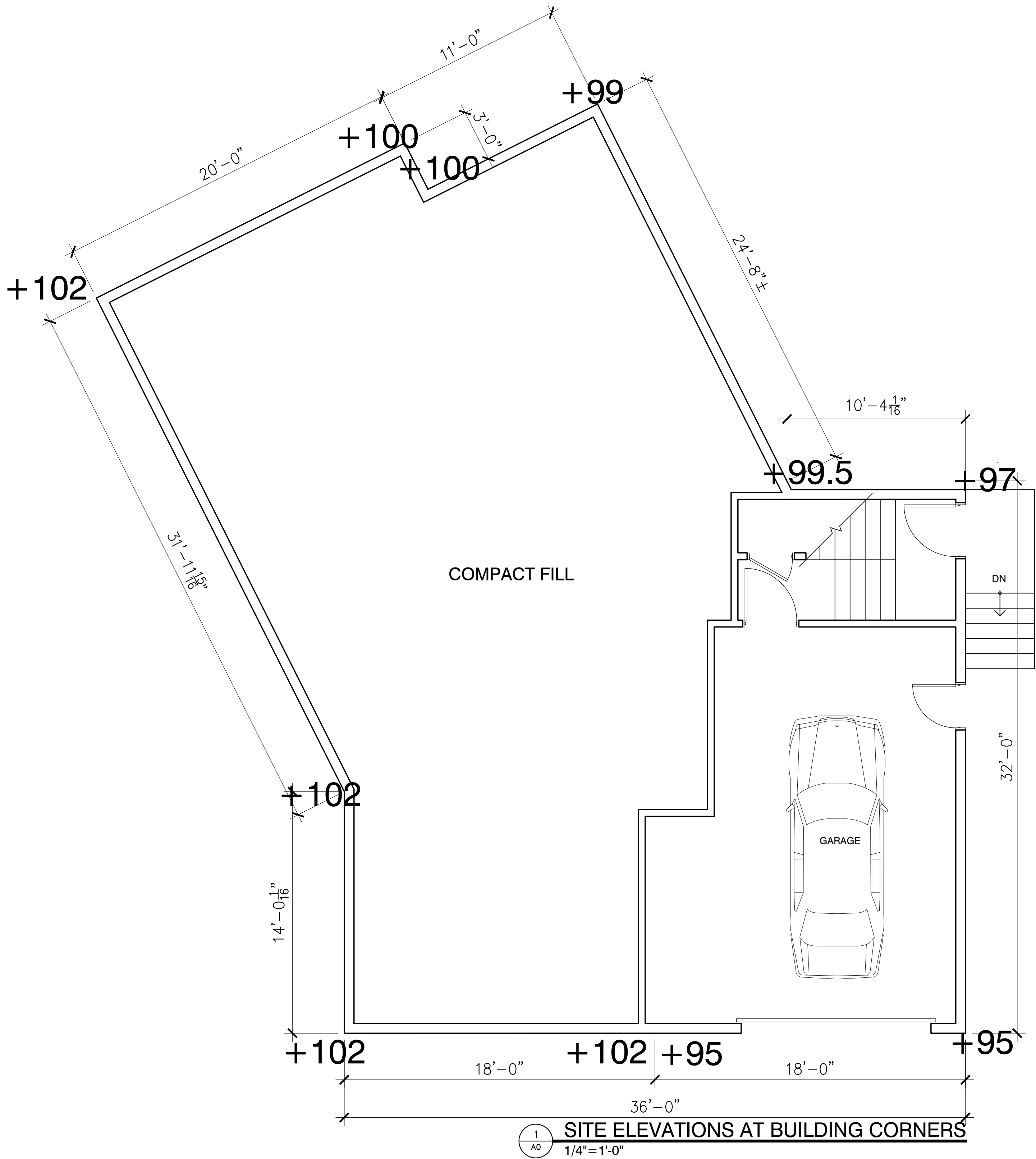
DOCKET NO **3830**

Notice is herewith given in accordance with the provisions of Section 3.2.2 of the Zoning Bylaws that there has been filed, by **Better Homes Realty, LLC**, on November 26, 2024, a petition seeking to alter their property located at **39 Woodside Lane-Block Plan 088.0-0003-0003.0** Said petition would require a **Special Permit** under **8.1.1, 8.1.3(A) and 5.42(B)(6)** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening at 7:30 P.M on January 14, 2025, as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/zba-calendar> and choose the date of the meeting you wish to attend. **For documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/agendas-minutes>

Please direct any questions to: **ZBA@town.arlington.ma.us**

Christian Klein, RA, Chair
Zoning Board of Appeals



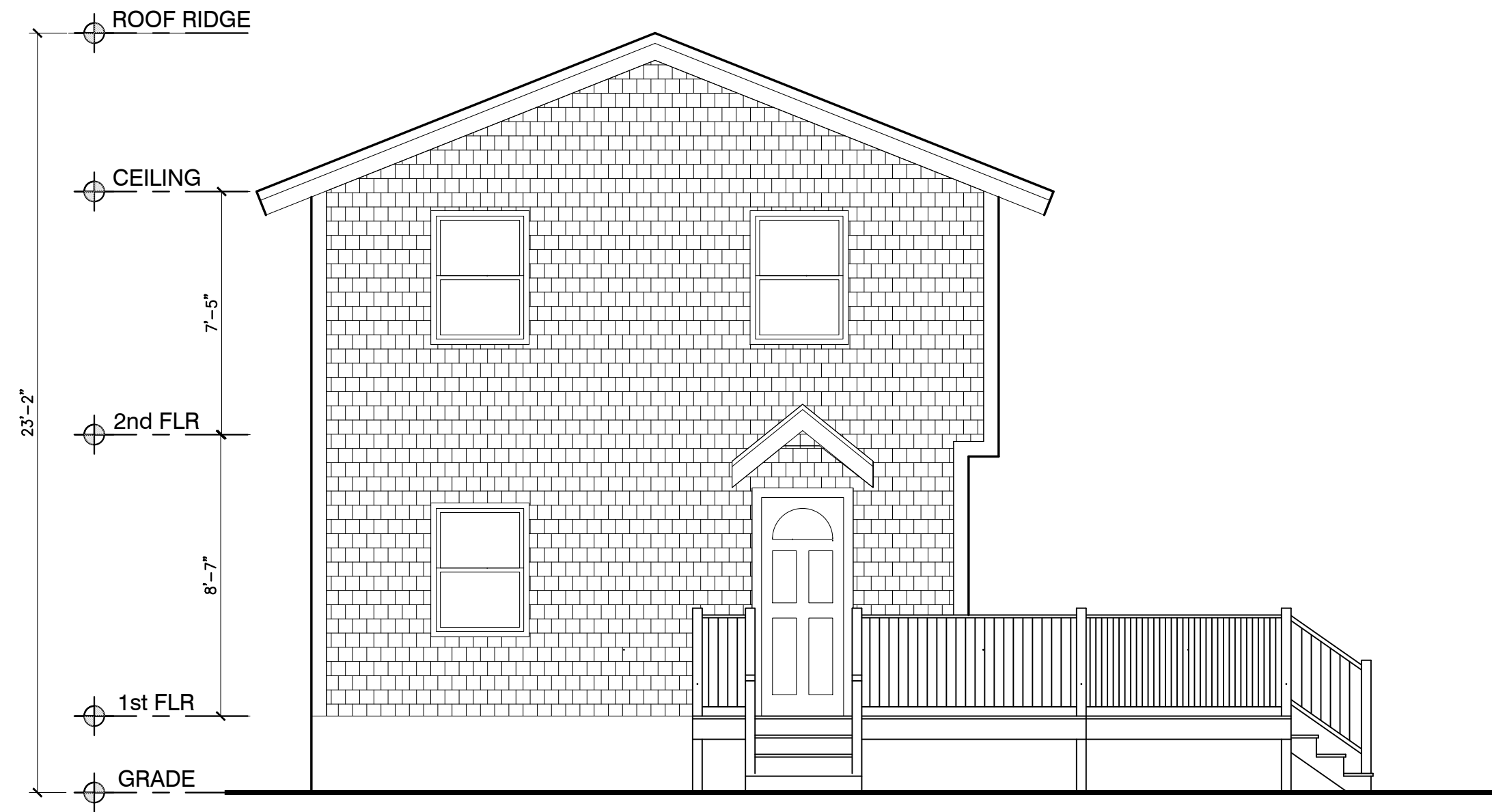
PAUL R. LESSARD
• REGISTERED ARCHITECT •
13 STATION ROAD SALEM, MA 01970
(978) 210-1960 paul@paularchitect.com

HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED BASEMENT/GARAGE & 1st FLOOR PLANS

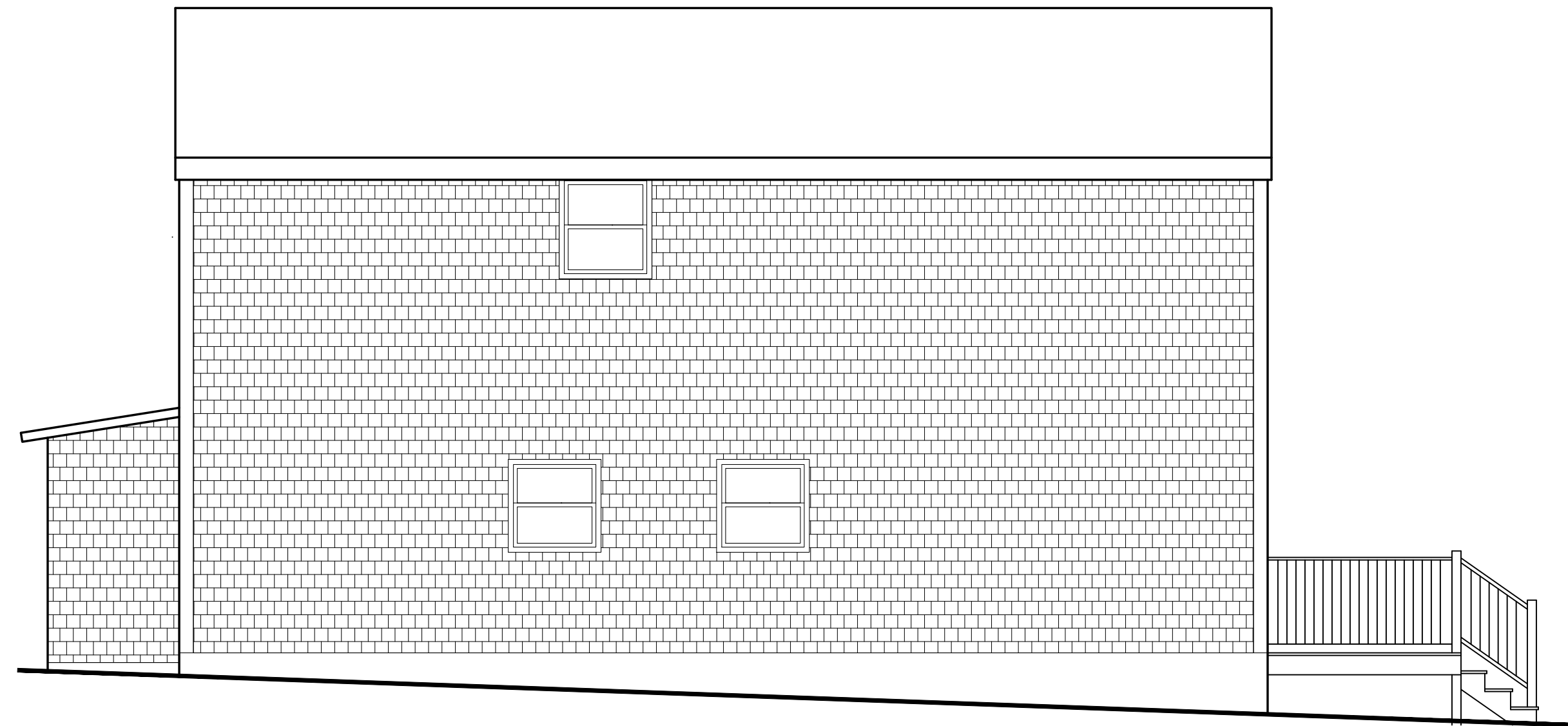
REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

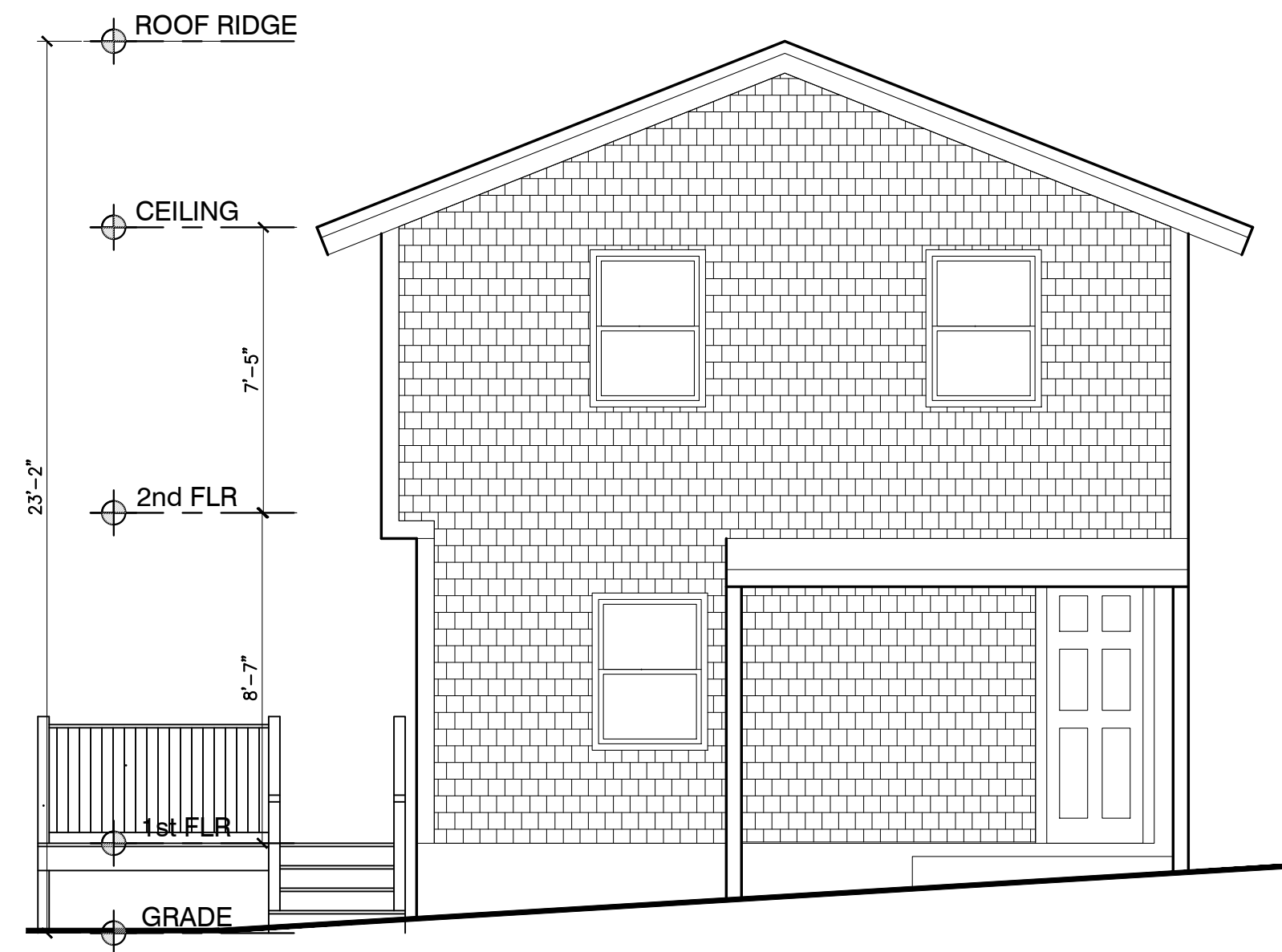
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A0



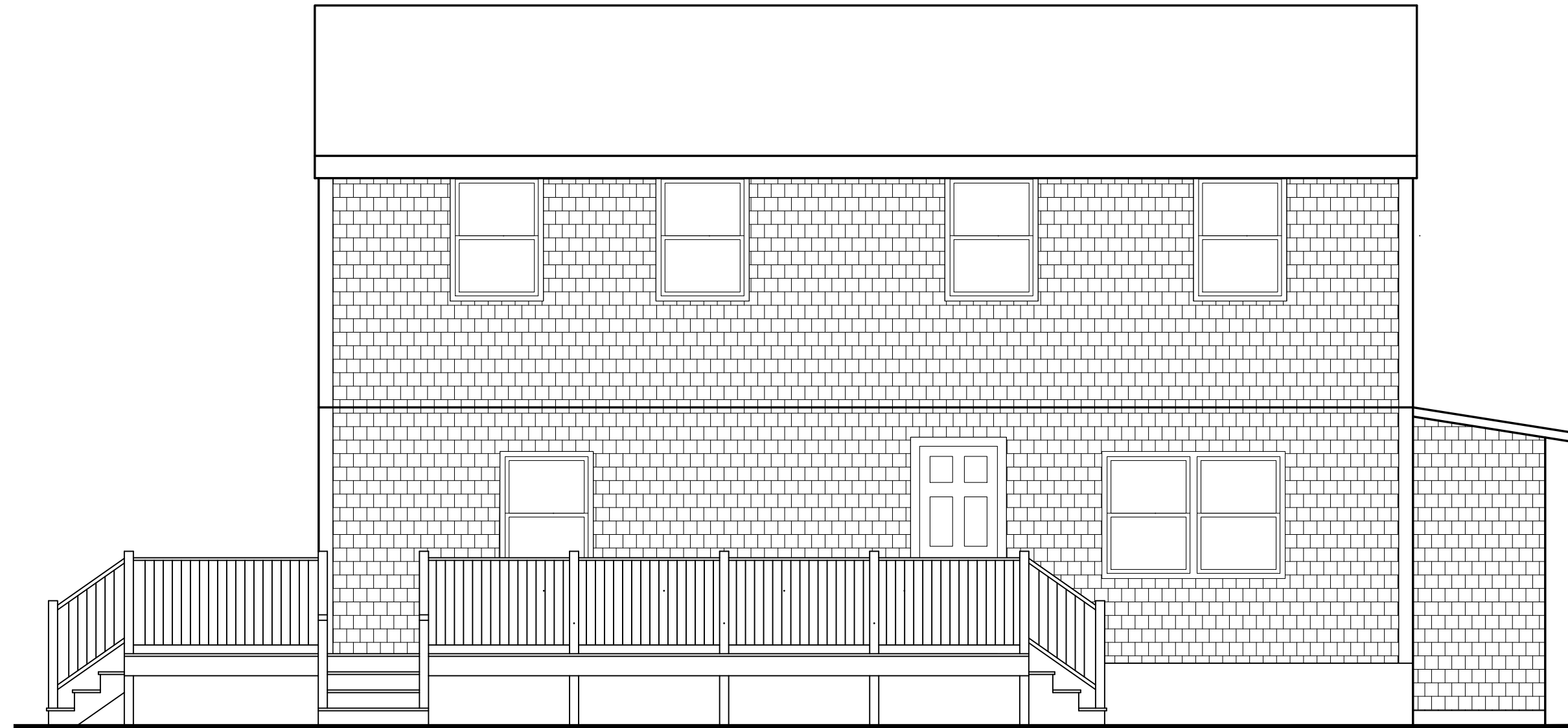
1
A1
EXISTING EAST (FRONT) ELEVATION
1/4"=1'-0"



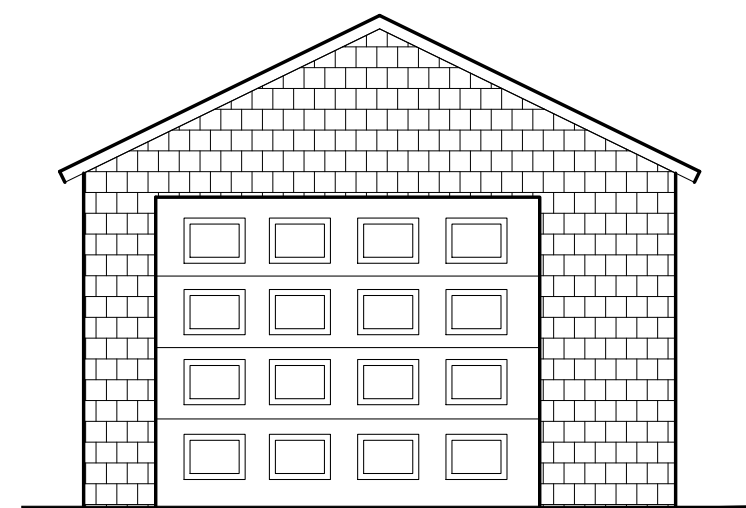
2
A1
EXISTING SOUTH ELEVATION
1/4"=1'-0"



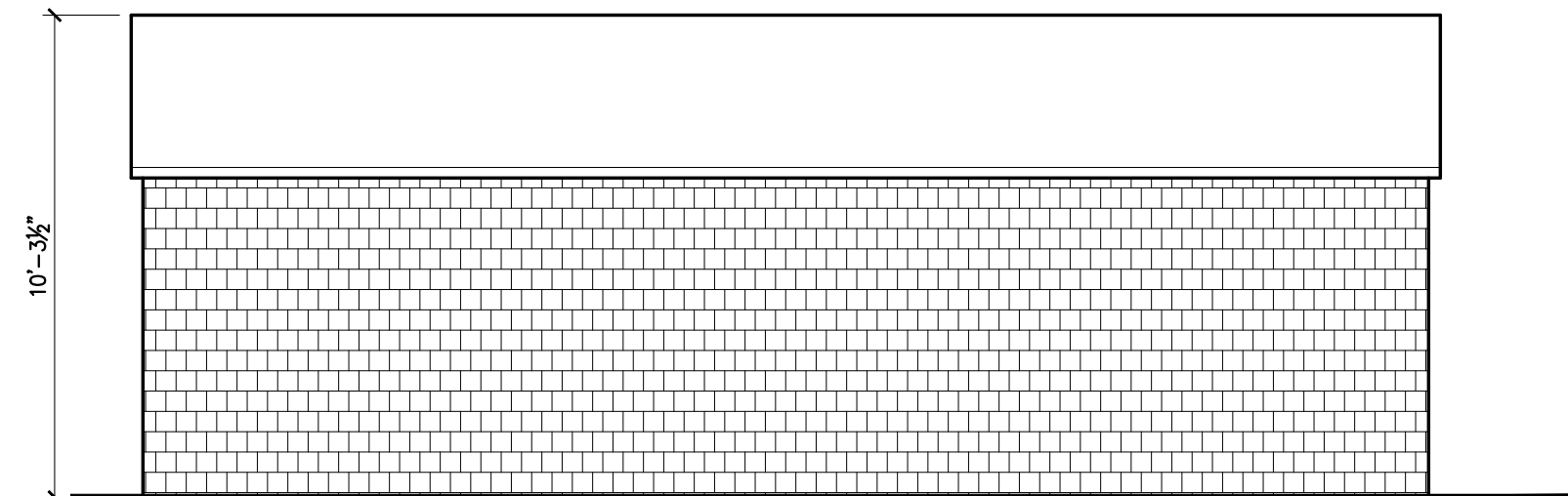
3
A1
EXISTING WEST (REAR) ELEVATION
1/4"=1'-0"



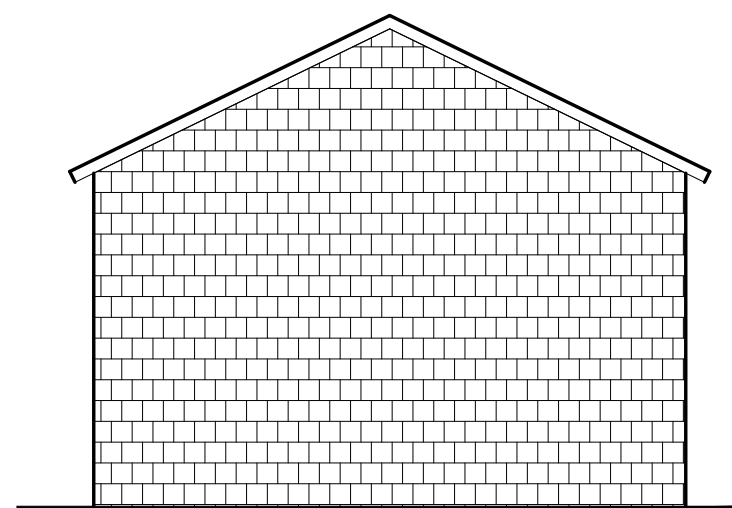
4
A1
EXISTING NORTH ELEVATION
1/4"=1'-0"



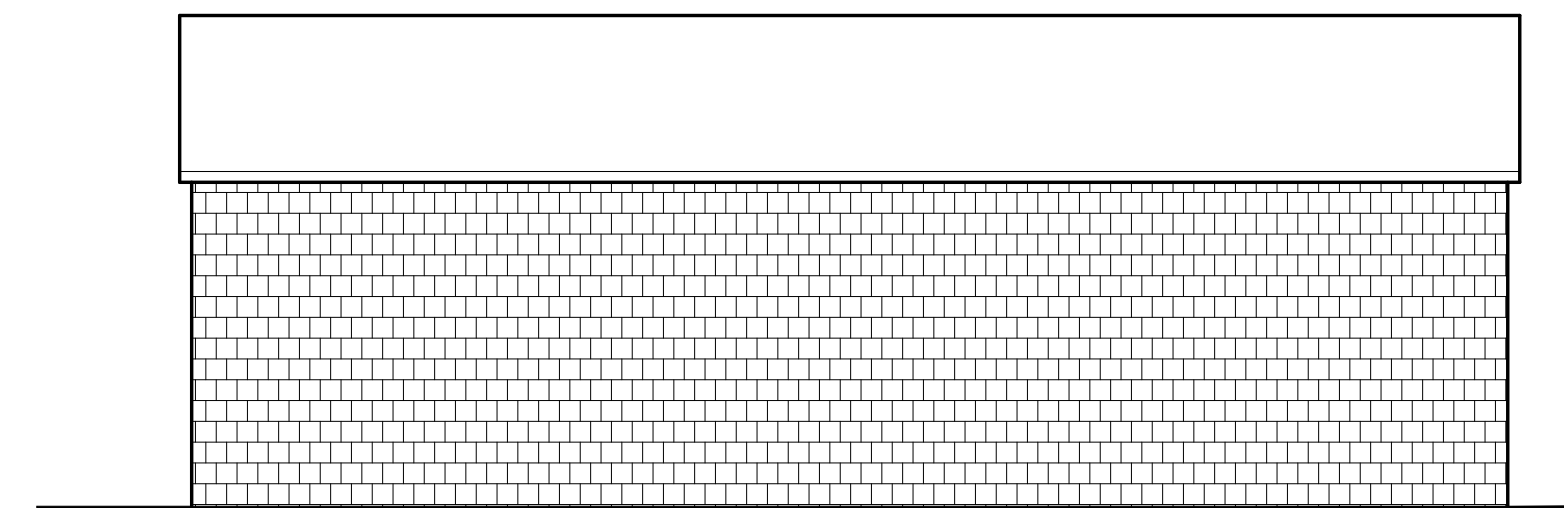
5
A1
EXISTING GARAGE EAST (FRONT) ELEV.
1/4"=1'-0"



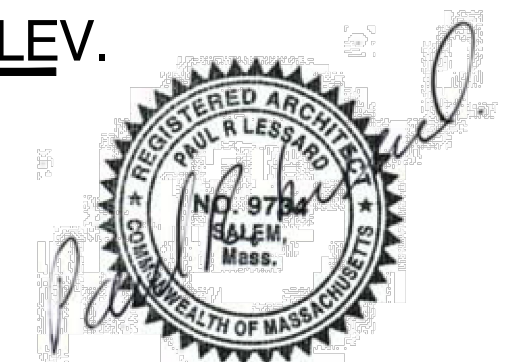
6
A1
EXISTING GARAGE SOUTH ELEV.
1/4"=1'-0"



7
A1
EXISTING GARAGE WEST ELEV.
1/4"=1'-0"



8
A1
EXISTING GARAGE NORTH ELEV.
1/4"=1'-0"



PAUL R. LESSARD
• REGISTERED ARCHITECT •
13 STATION ROAD SALEM, MA 01970
(978) 210-1960 paul@paularchitect.com

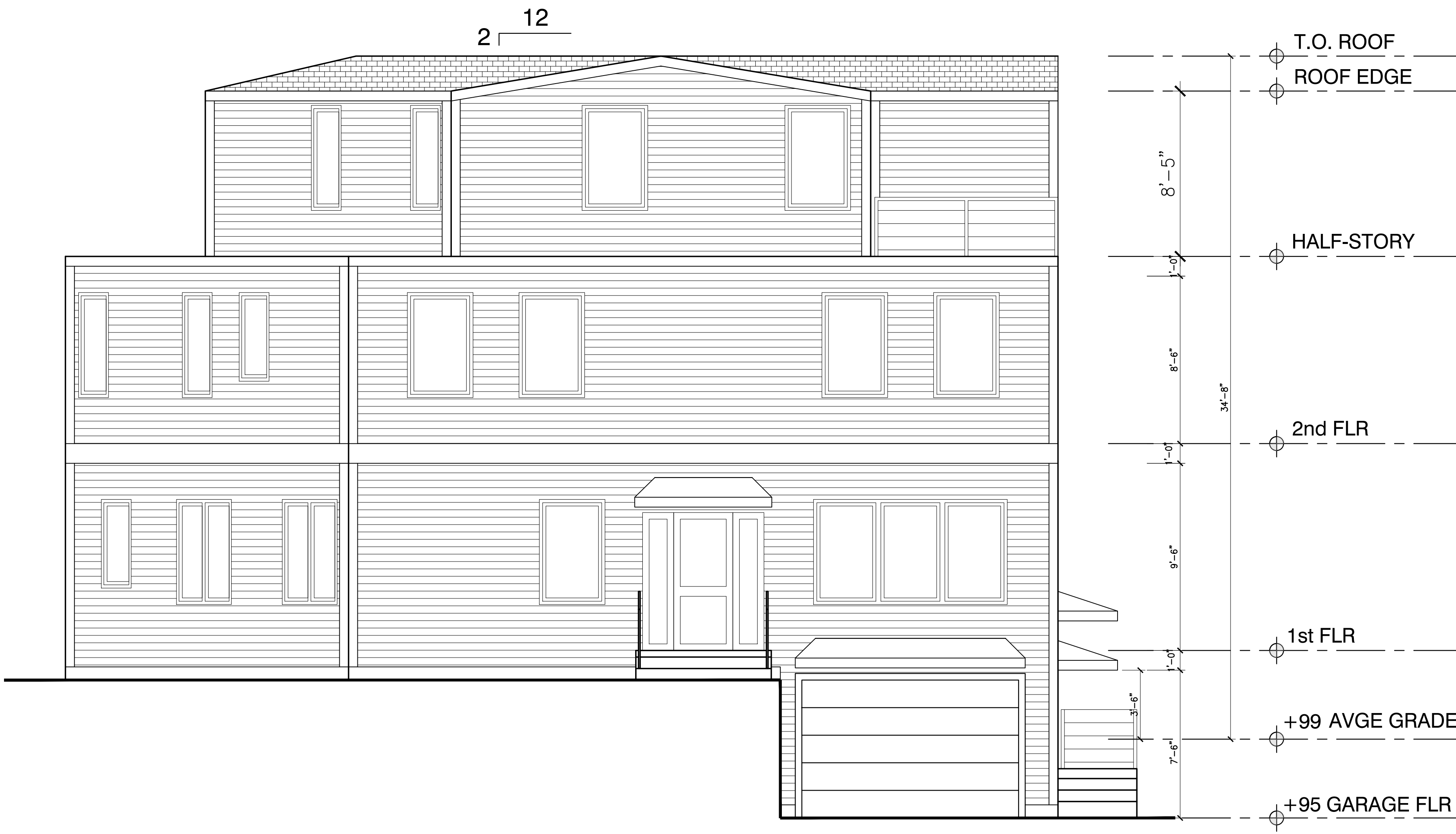
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
EXISTING EXTERIOR ELEVATIONS

REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A1



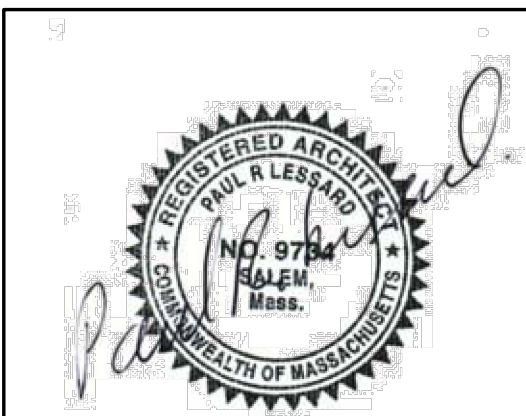
1
A2
1/4" = 1'-0"

PROPOSED EAST (FRONT) ELEVATION



2
A2
1/4" = 1'-0"

PROPOSED SOUTH ELEVATION



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HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS

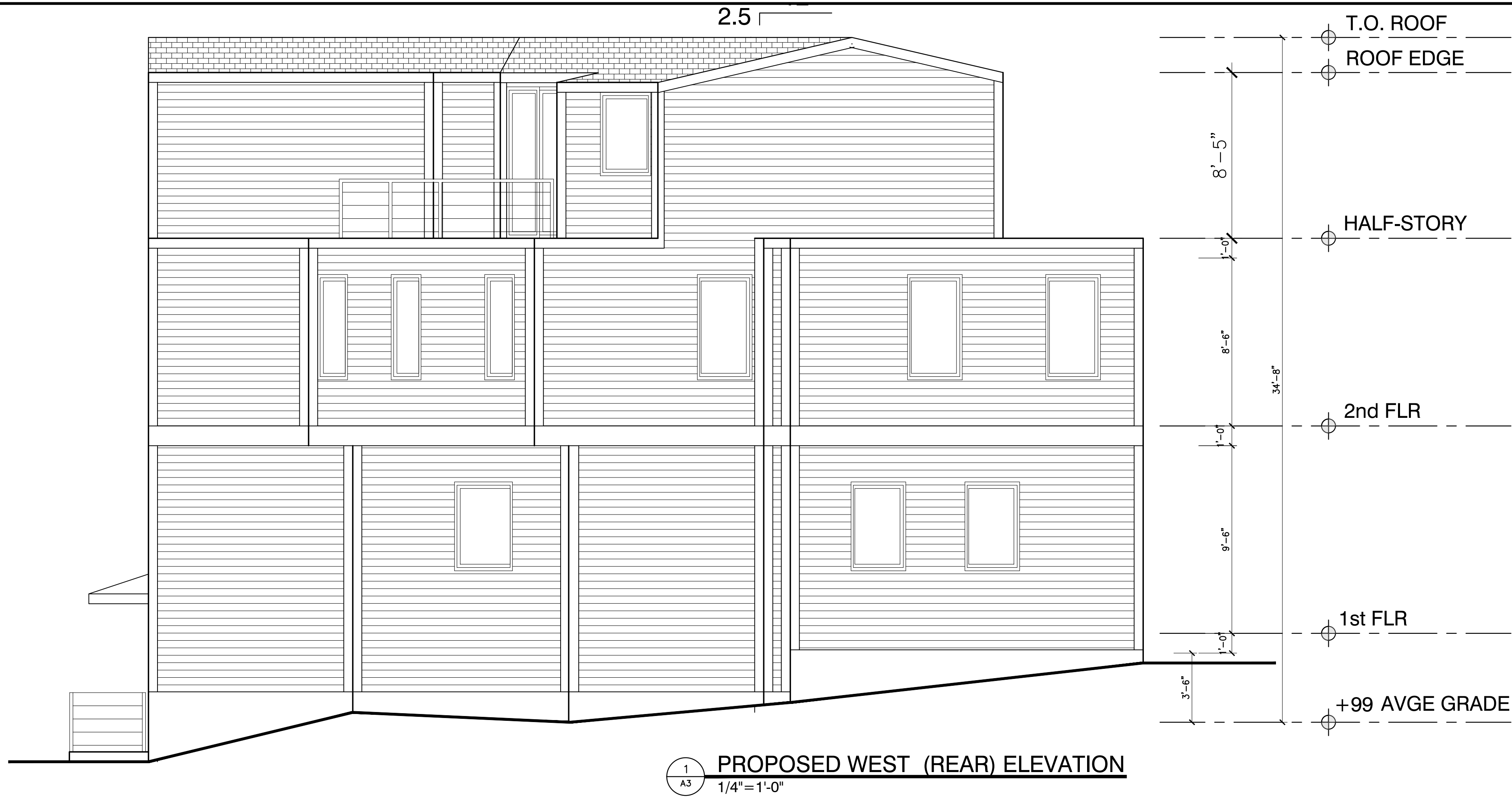
PROPOSED EXTERIOR SOUTH & WEST ELEVATIONS

REVISIONS:

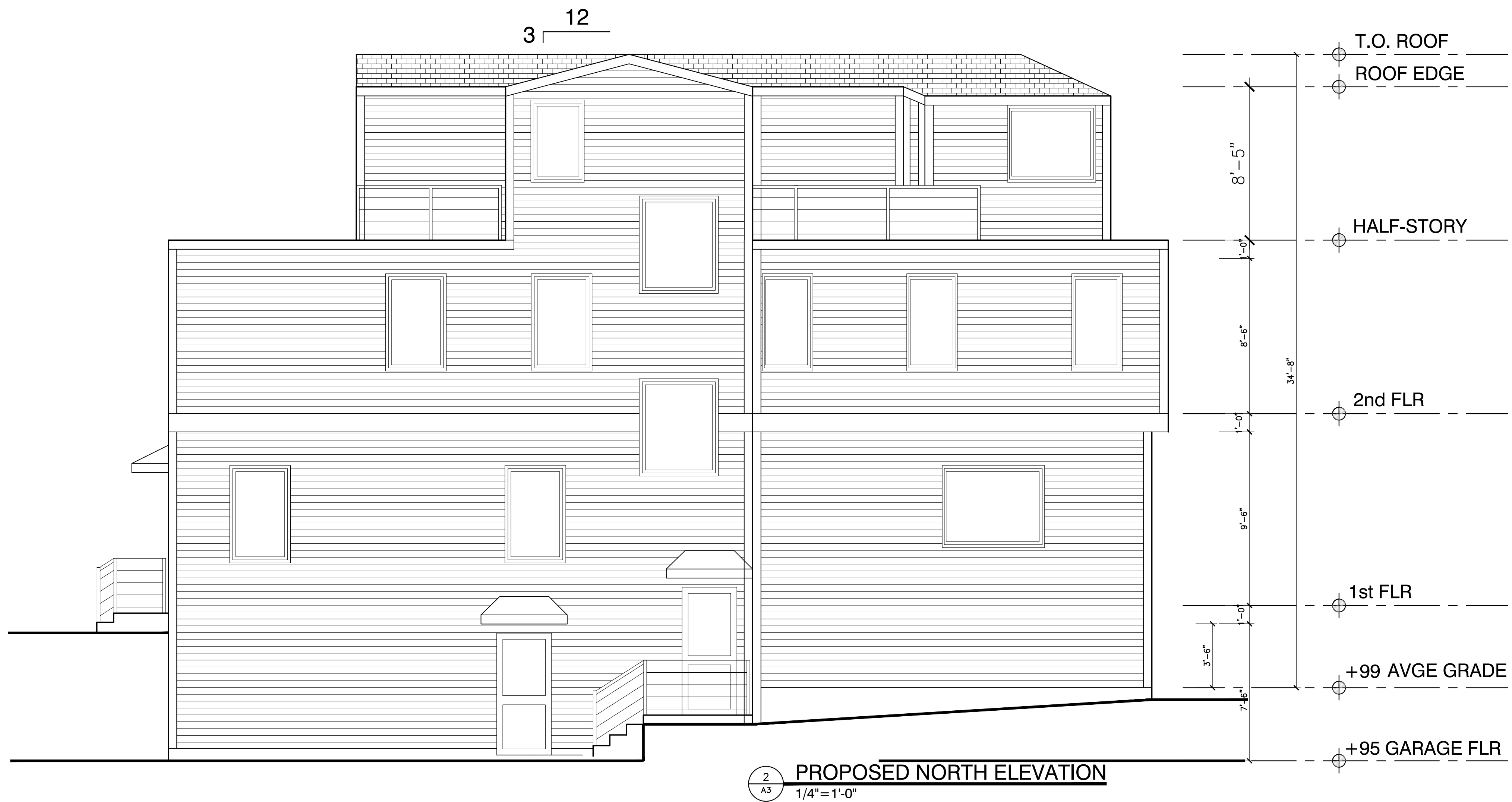
PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

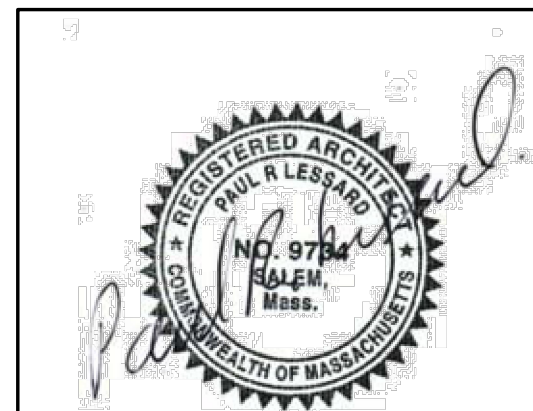
A2



1
A3
PROPOSED WEST (REAR) ELEVATION
1/4" = 1'-0"



2
A3
PROPOSED NORTH ELEVATION
1/4" = 1'-0"



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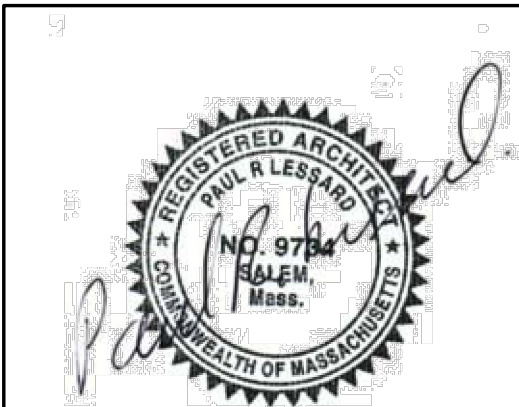
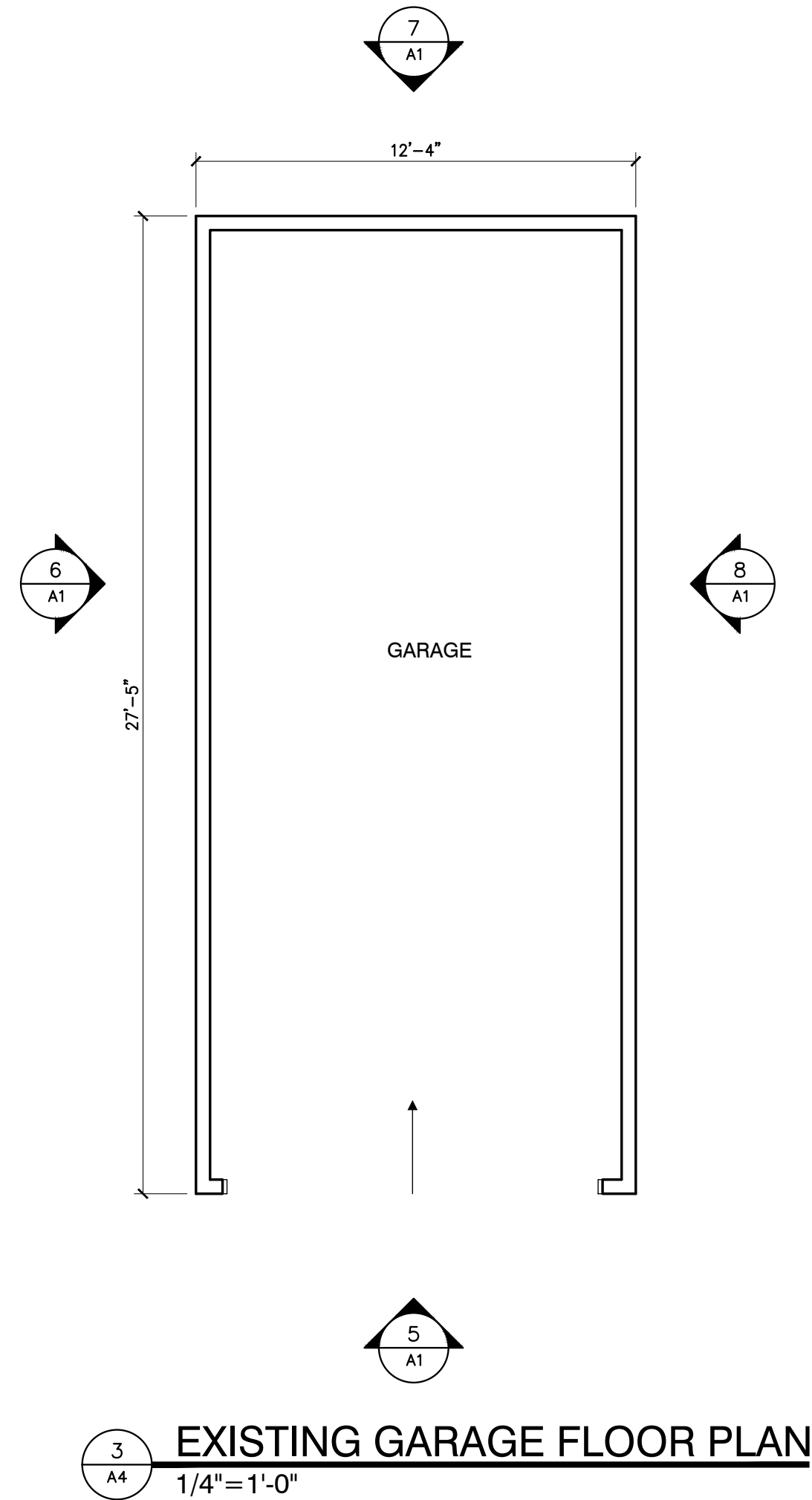
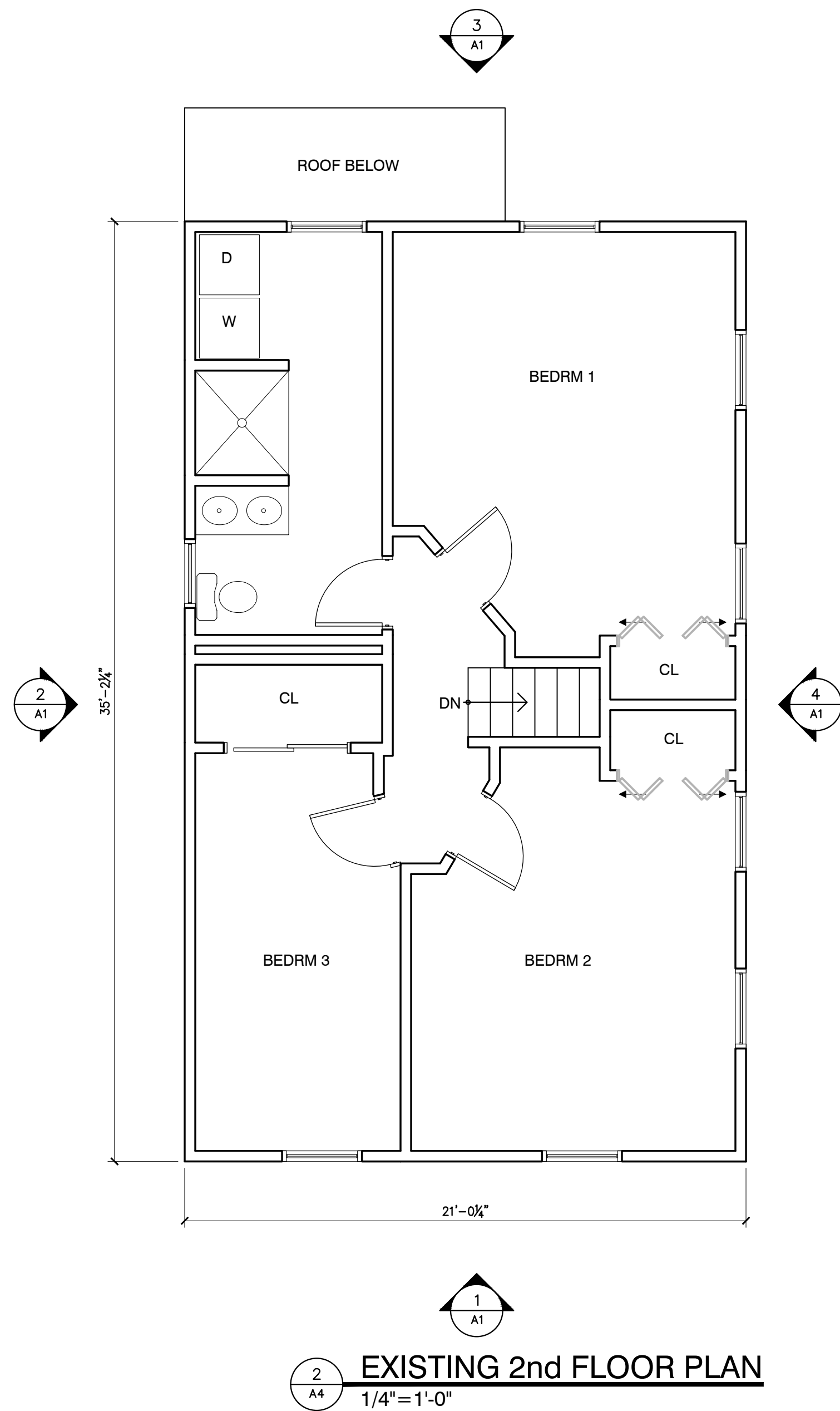
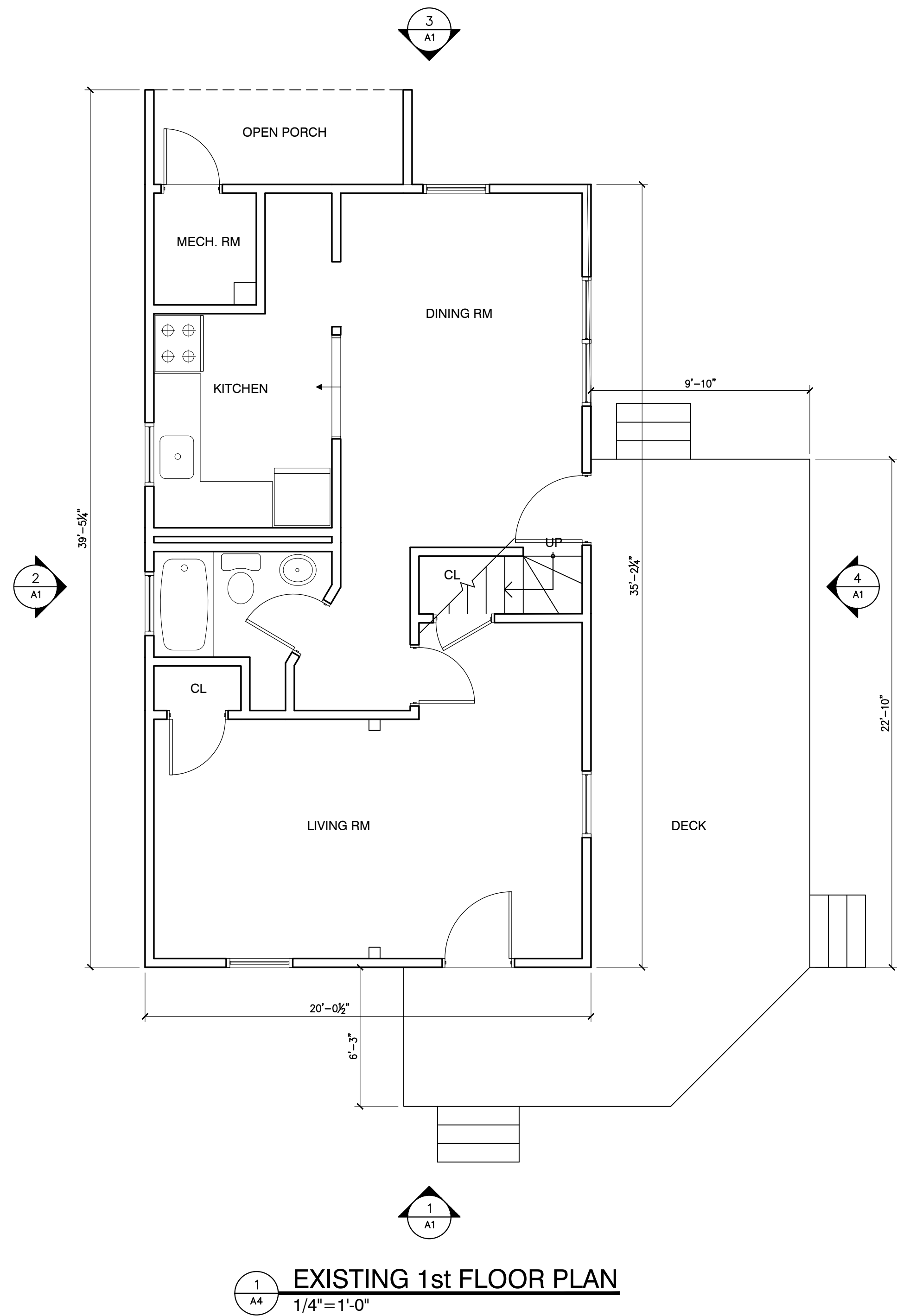
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED EXTERIOR WEST & NORTH ELEVATIONS

REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A3



PAUL R. LESSARD
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(978) 210-1960 paul@paularchitect.com

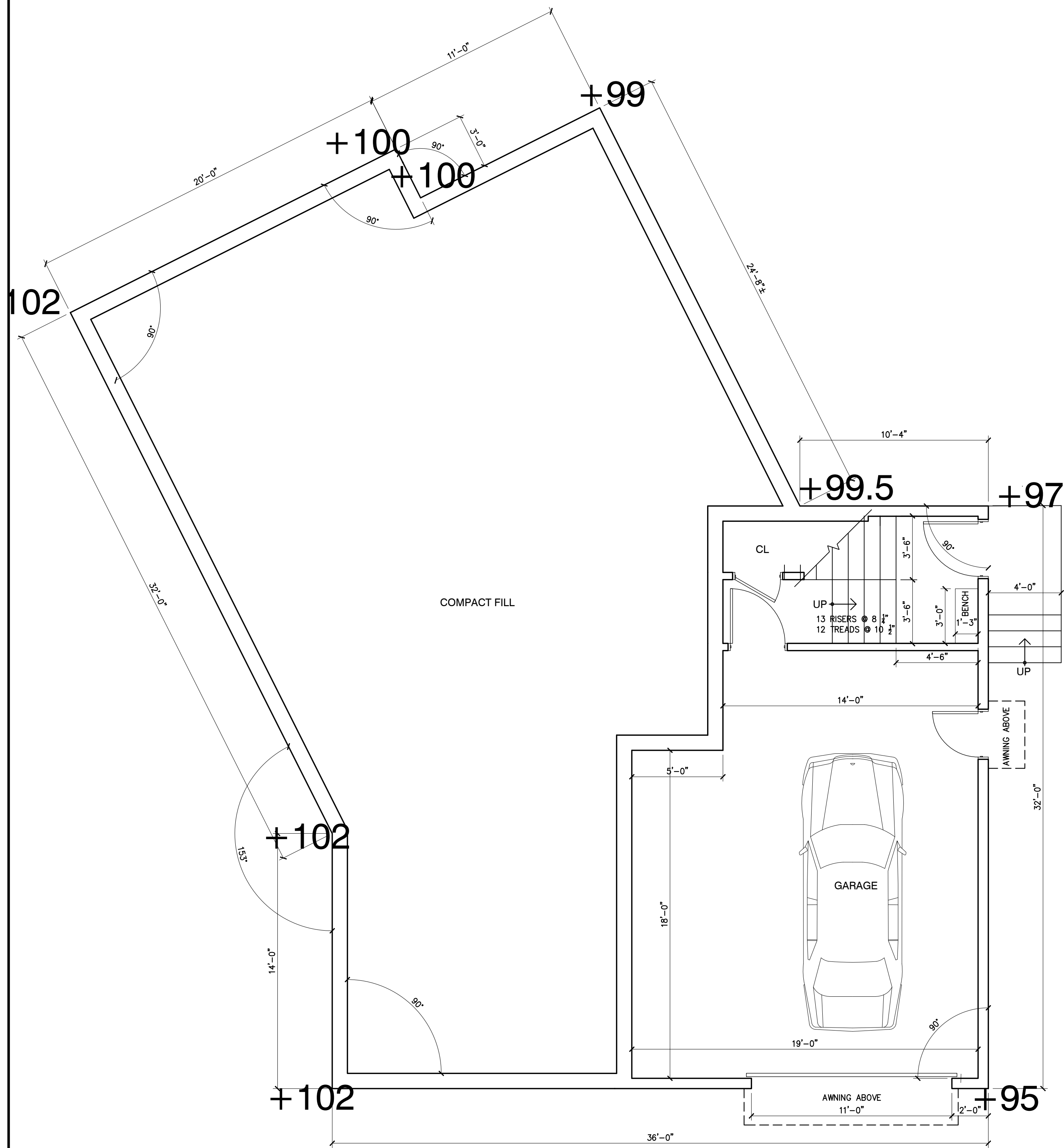
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
EXISTING FLOOR PLANS

REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

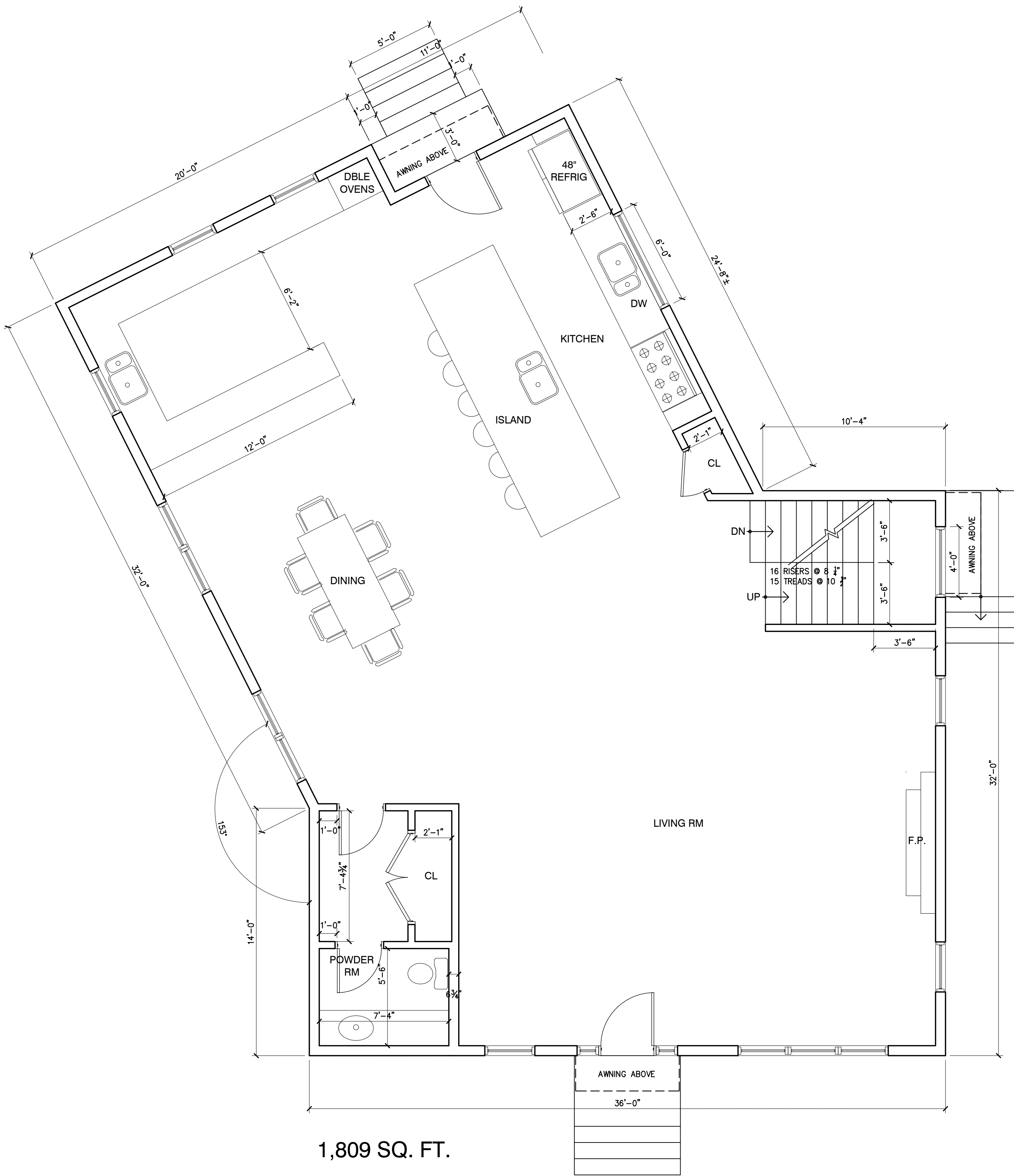
DRAWING NUMBER:

A4



556 SQ. FT.

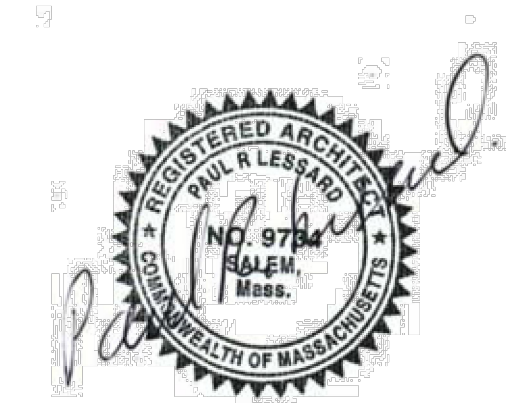
1 A5 PROPOSED CELLAR/GARAGE FLOOR PLAN
1/4"=1'-0"



1,809 SQ. FT.

2 A5 PROPOSED 1st FLOOR PLAN
1/4"=1'-0"

GROSS SQUARE FOOTAGE = 4,562 SQ. FT.
LOT AREA = 9,120 SQ. FT.
FLOOR AREA RATIO (F.A.R.) = .50



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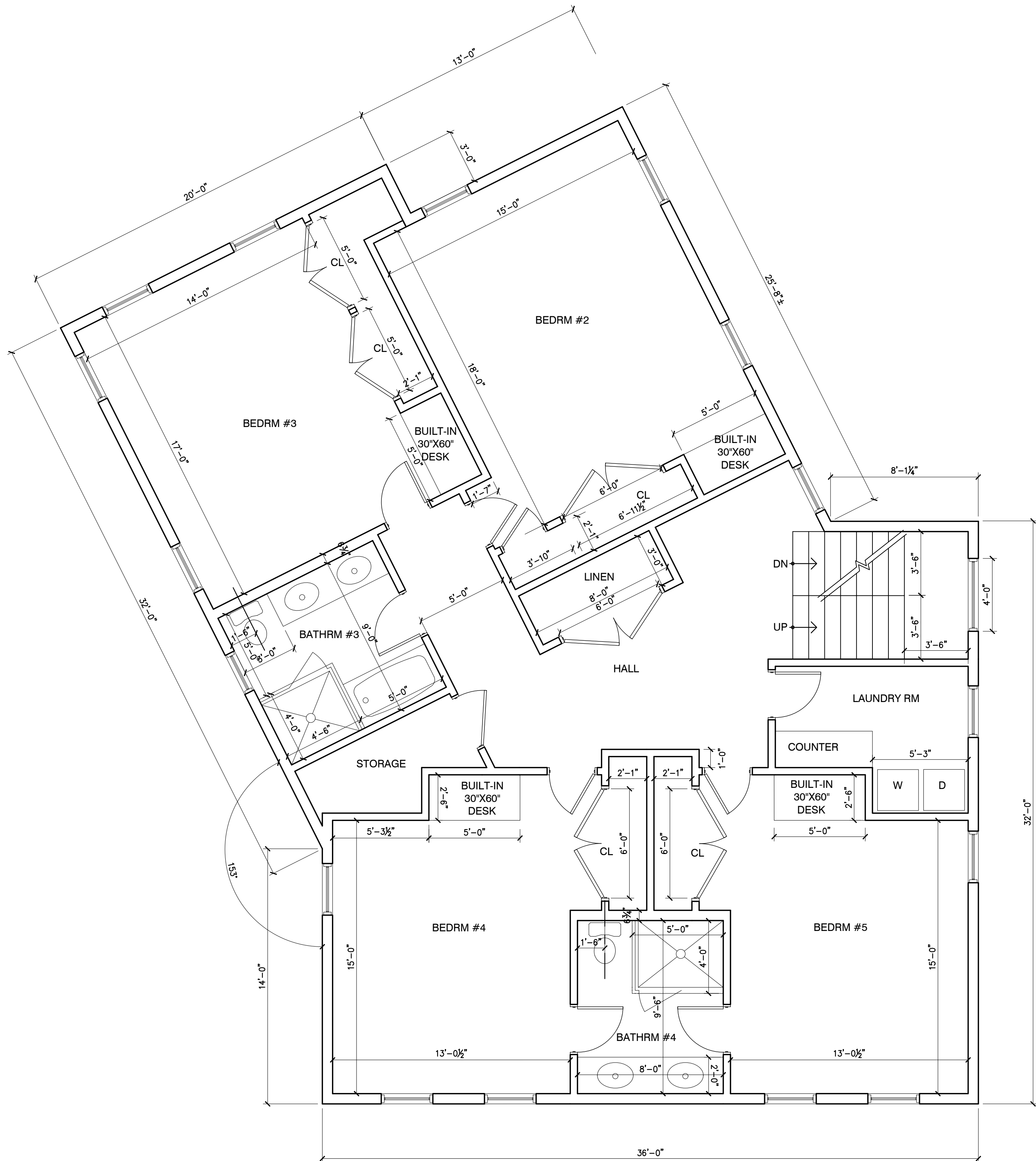
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED BASEMENT/GARAGE & 1st FLOOR PLANS

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PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

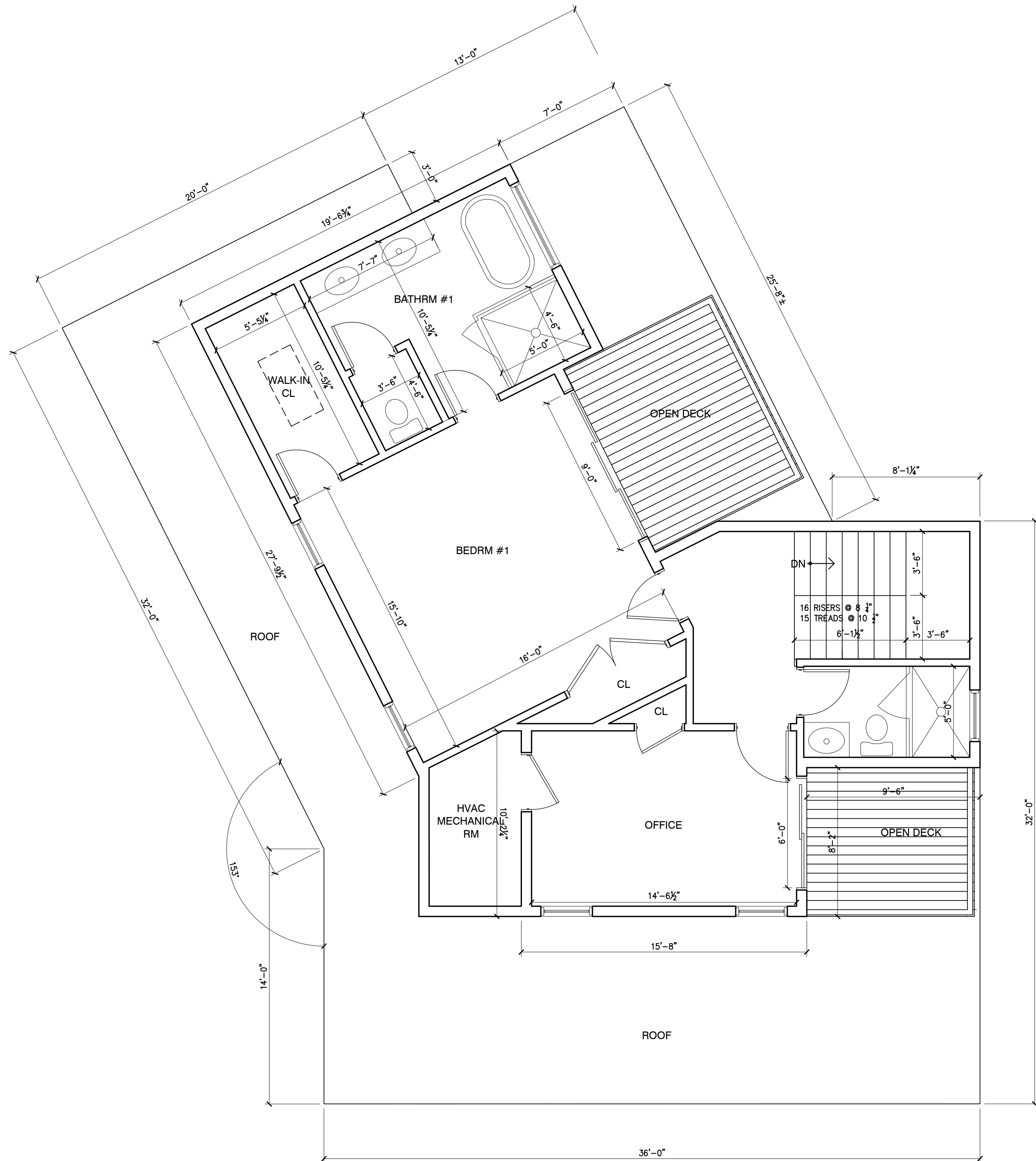
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A5



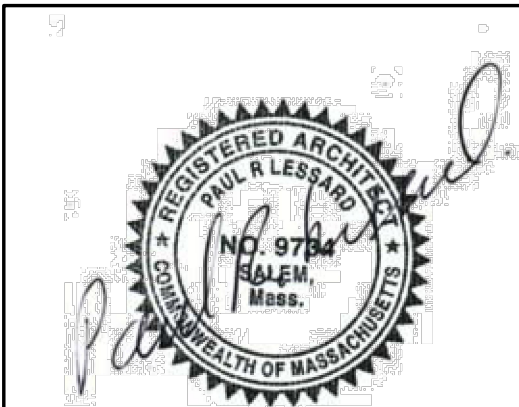
1,859 SQ. FT.

1
A6
PROPOSED 2nd FLOOR PLAN
1/4"=1'-0"



894 SQ. FT.

2
A6
PROPOSED 3rd FLOOR PLAN
1/4"=1'-0"



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HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED 2nd & 3rd FLOOR PLANS

REVISIONS:

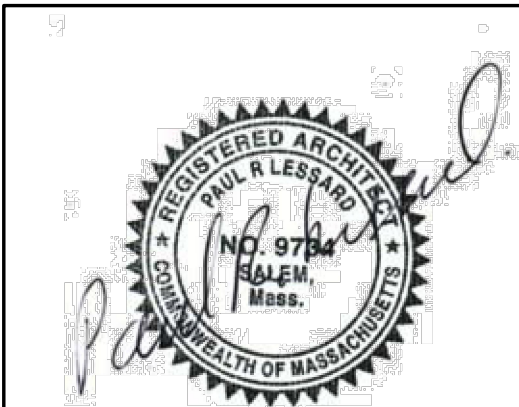
PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A6



1
A7
PROPOSED ROOF PLAN
1/4"=1'-0"



HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS

PROPOSED ROOF PLAN

REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A7

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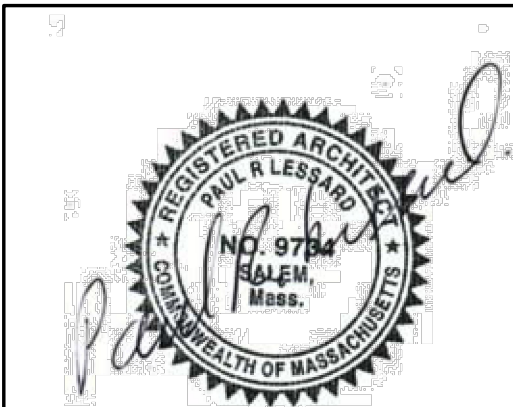
1
AX
OPTION A - ALL CLAPBOARD
1/4"=1'-0"



2
AX
OPTION B - CLAPBOARD AT TOP/ SHINGLES AT BOTTOM
1/4"=1'-0"



3
AX
OPTION C - SHINGLES AT TOP/ CLAPBOARD AT BOTTOM
1/4"=1'-0"



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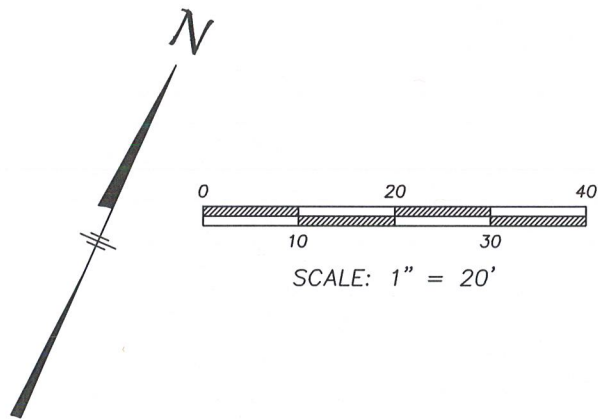
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED EXTERIOR FINISH OPTIONS

REVISIONS:

PROJECT NUMBER:
DATE: 6/26/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

AX



NOTE: LOCATION OF FENCES SHOWN ARE APPROXIMATE AND FOR AESTHETIC PURPOSES ONLY. A DETAILED LOCATION WOULD BE REQUIRED FOR THE EXACT LOCATION.

CURRENT OWNER: BETTER HOMES REALTY LLC

TITLE REFERENCE: BK 79628 PG 176

PLAN REFERENCE: BK 7738 END

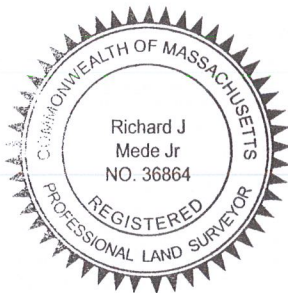
THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ABUTTING PROPERTIES IS ACCORDING TO ASSESSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

SURVEYOR'S CERTIFICATION:

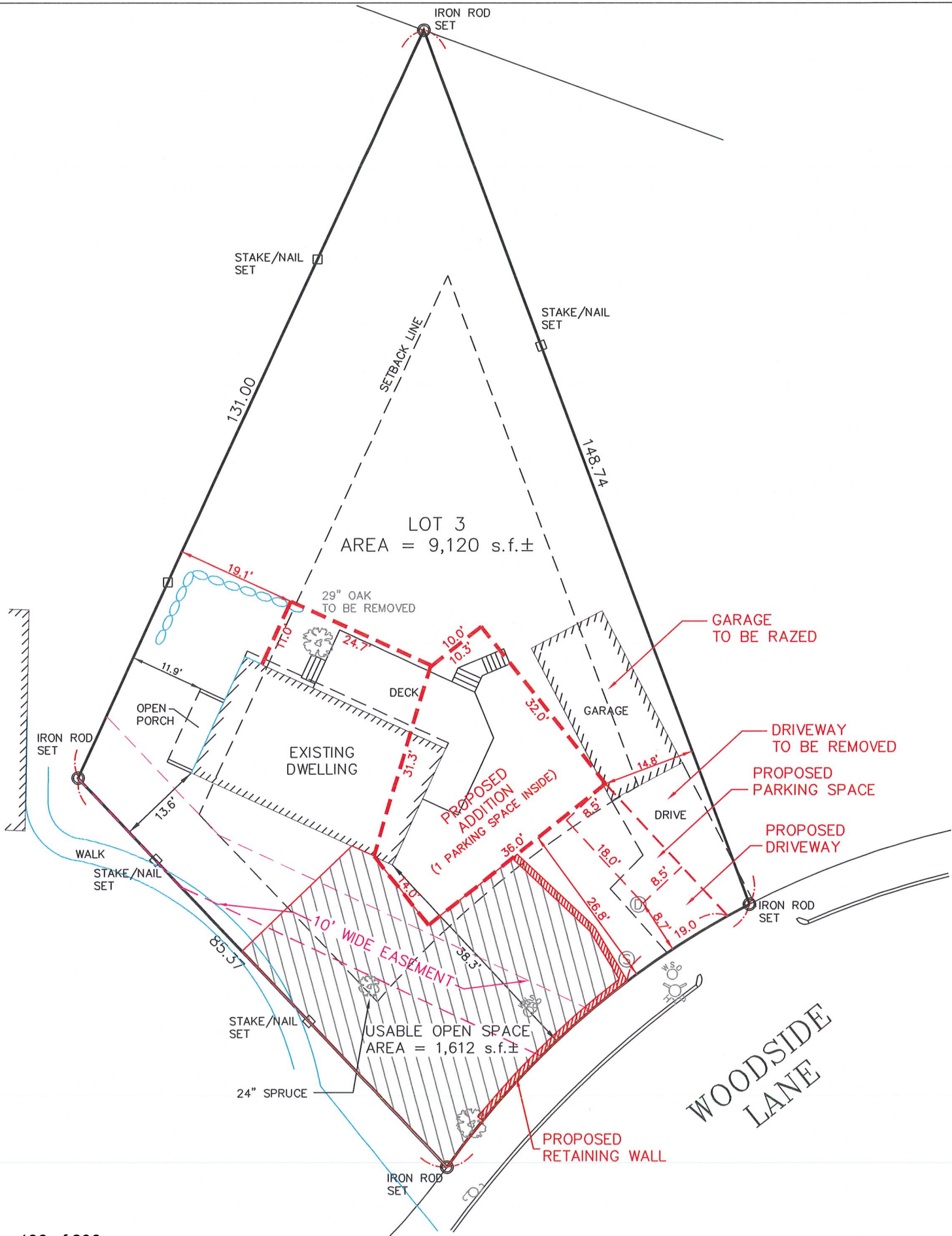
TO: BETTER HOMES REALTY L.L.C.

I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: MAY 20, 2022
DATE OF PLAN: MAY 02, 2024
DATE OF PLAN: JUNE 15, 2024 (REVISIONS)
DATE OF PLAN: JULY 10, 2024 (REVISIONS)
REVISION: NOVEMBER 20, 2024 (DRIVEWAY CHANGES)




RICHARD J. MEDE, JR. P.L.S. DATE: 11/20/2024



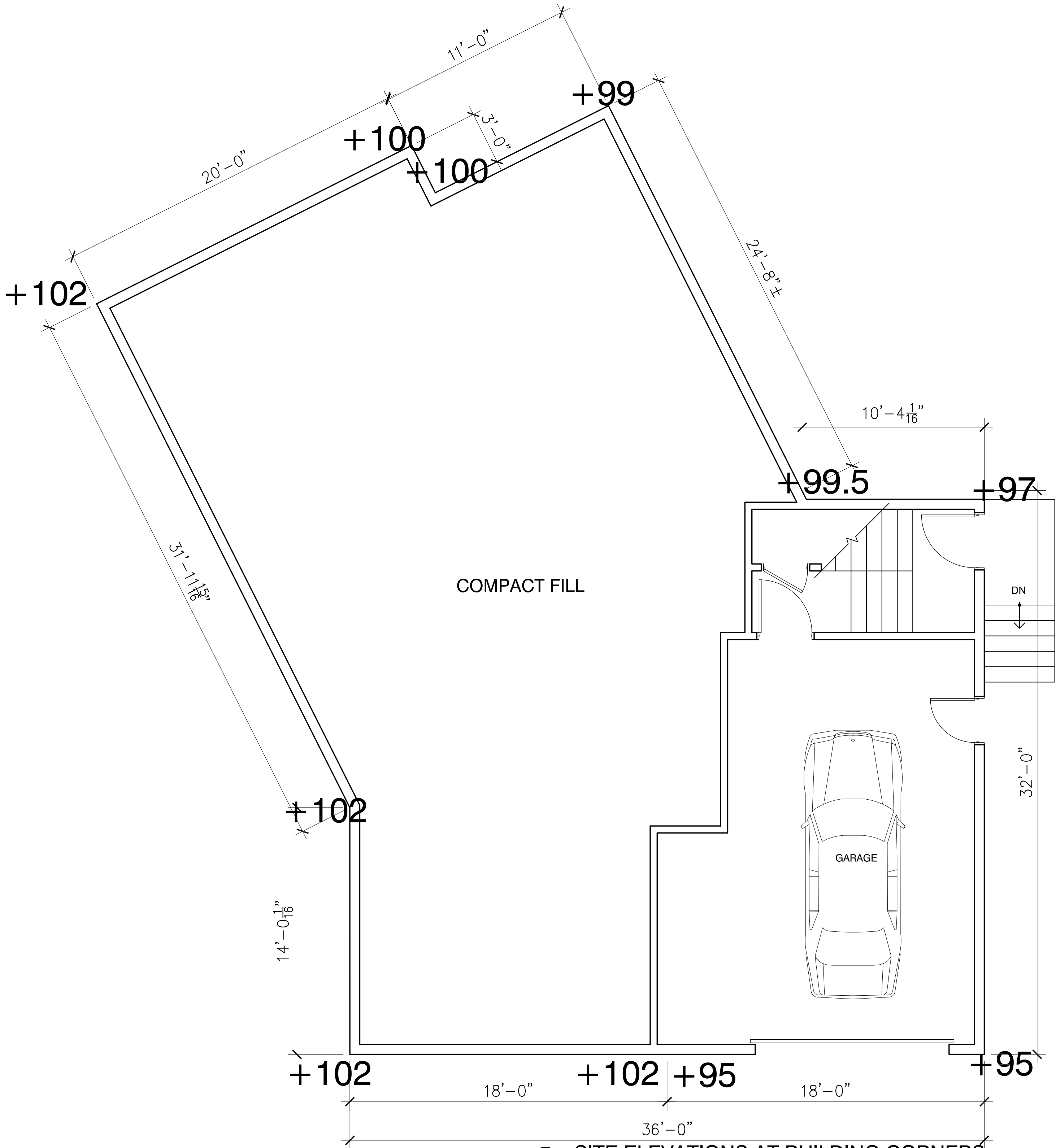
CERTIFIED PLOT PLAN
39 WOODSIDE LANE
ARLINGTON, MA.
(MIDDLESEX COUNTY)

PREPARED BY:

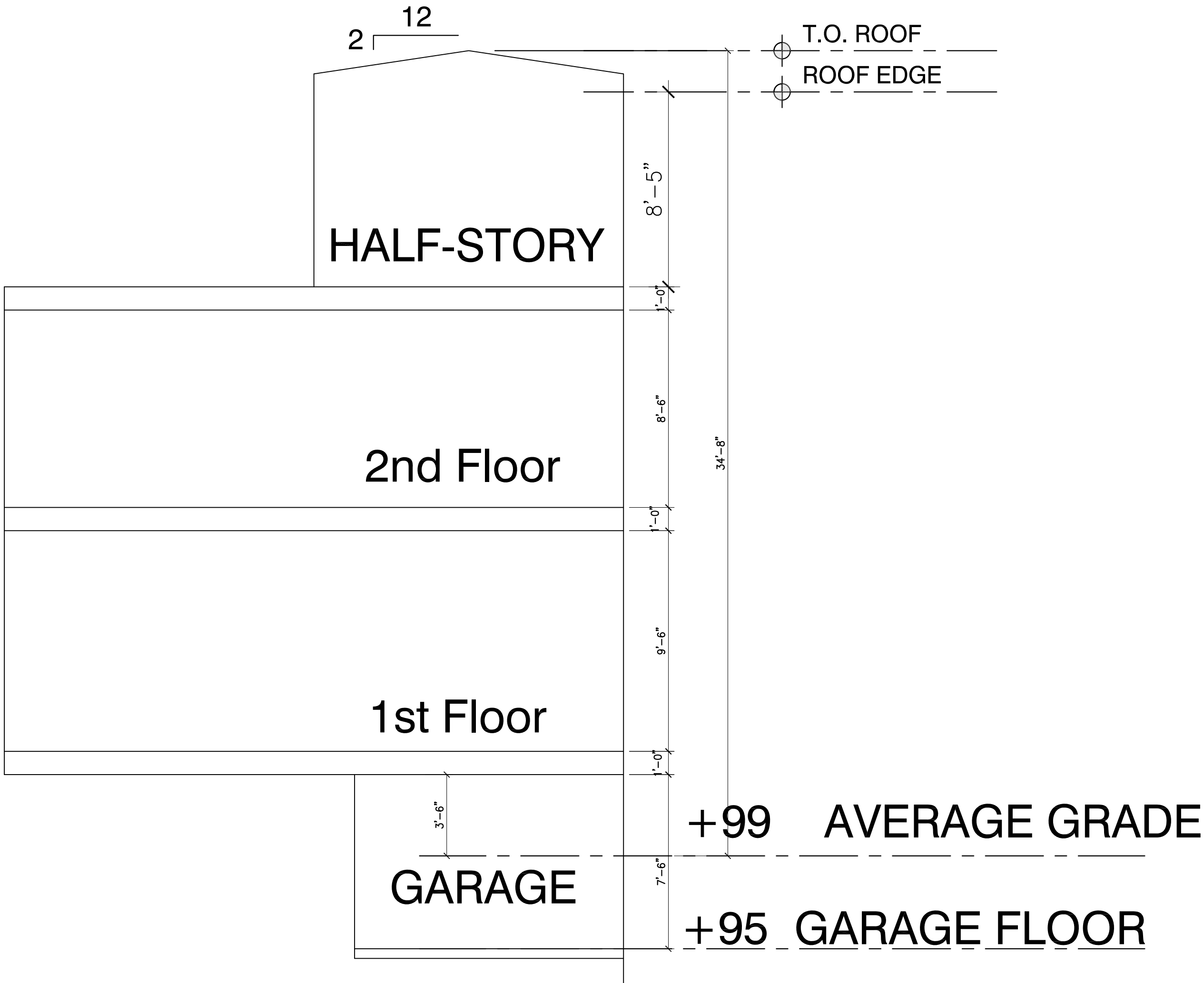
**MEDFORD
ENGINEERING
& SURVEY**
ANGELO B. VENEZIANO ASSOCIATES
15 HALL STREET, MEDFORD, MA 02155
781-396-4466 fax: 781-396-8052

PREPARED FOR:
A.C. GENERAL

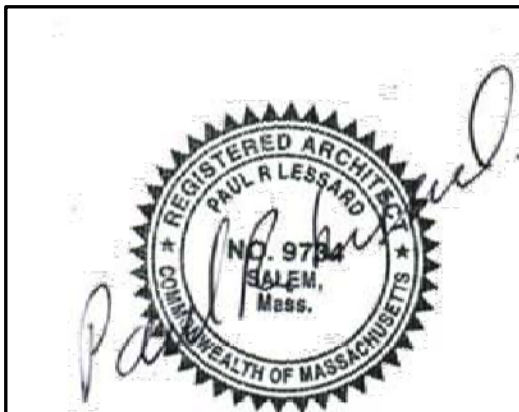
DRAWN	CHECKED	FILE No.
CAV	RJM	21526



1 SITE ELEVATIONS AT BUILDING CORNERS
1/4"=1'-0"



2 BUILDING SECTION SCHEMATIC
1/4"=1'-0"



PAUL R. LESSARD
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13 STATION ROAD SALEM, MA 01970
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HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS

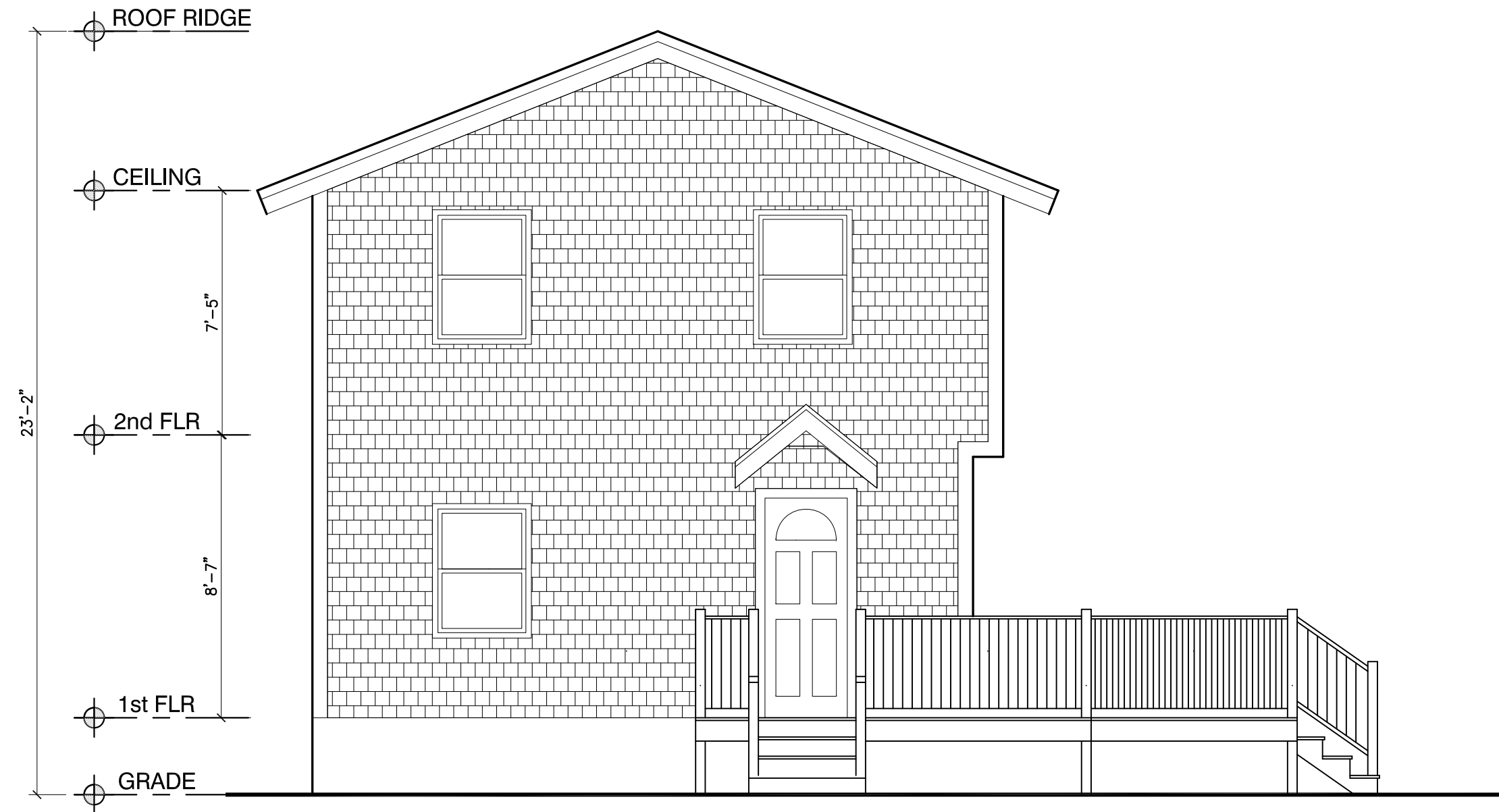
PROPOSED BASEMENT/GARAGE & 1st FLOOR PLANS

REVISIONS:

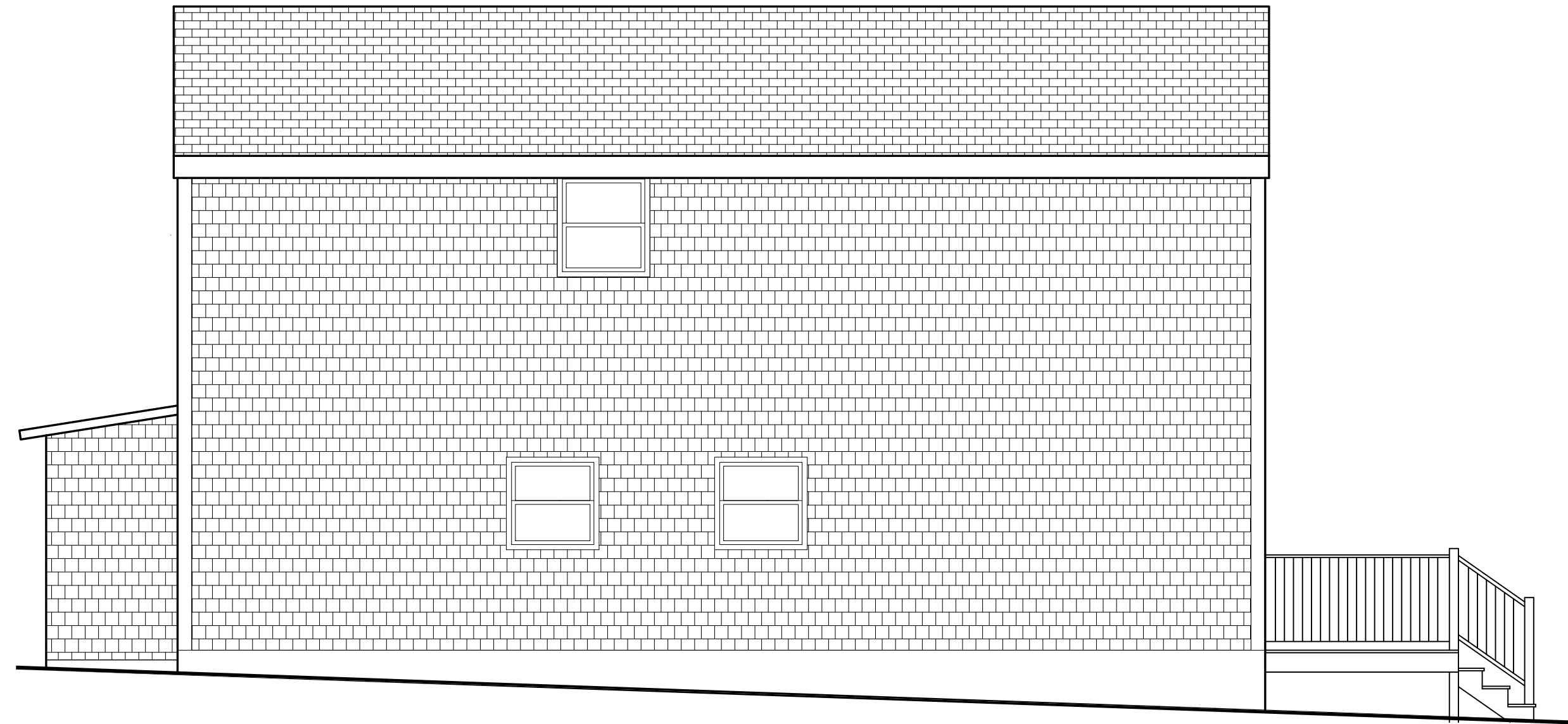
PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

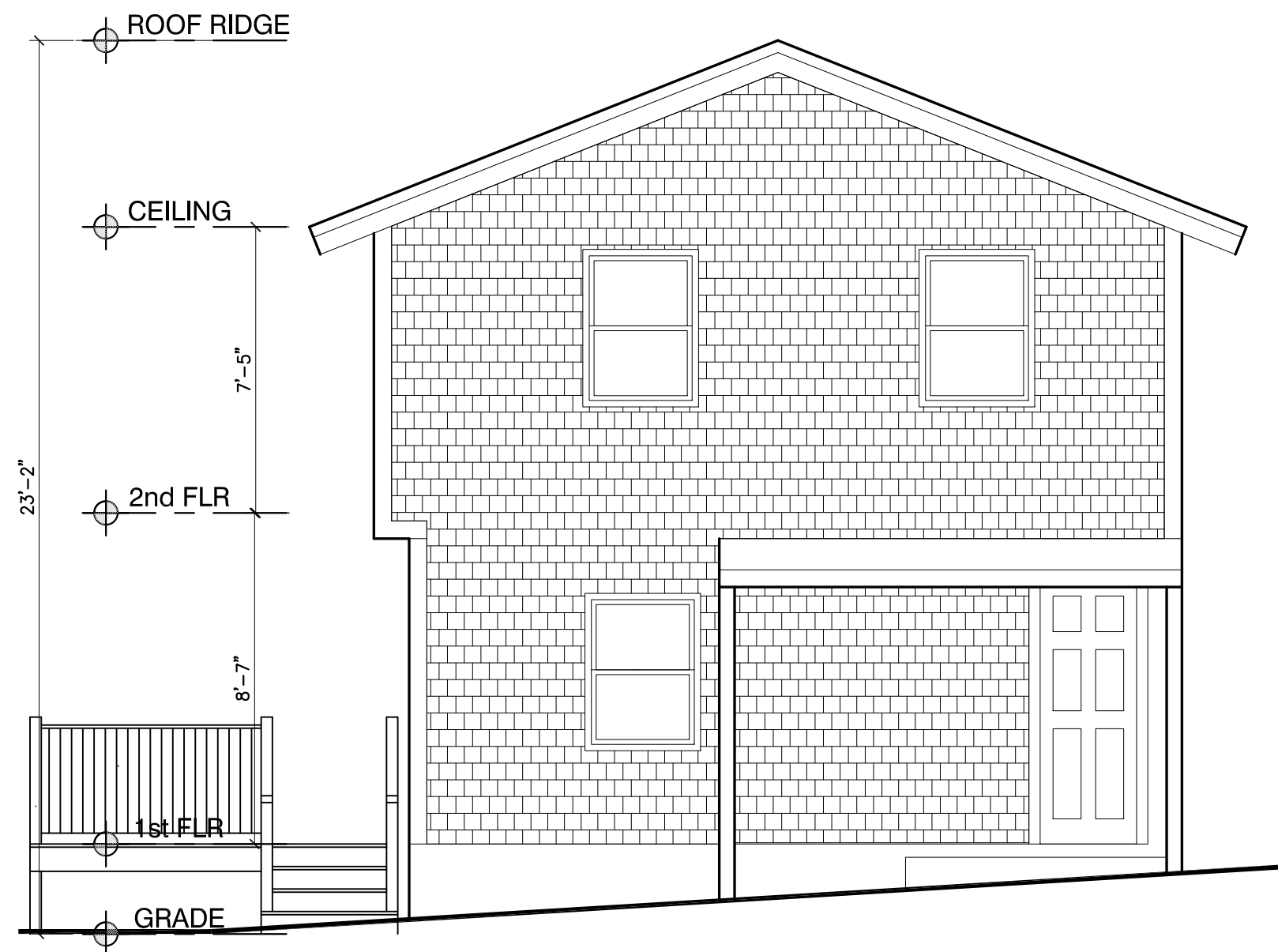
A0



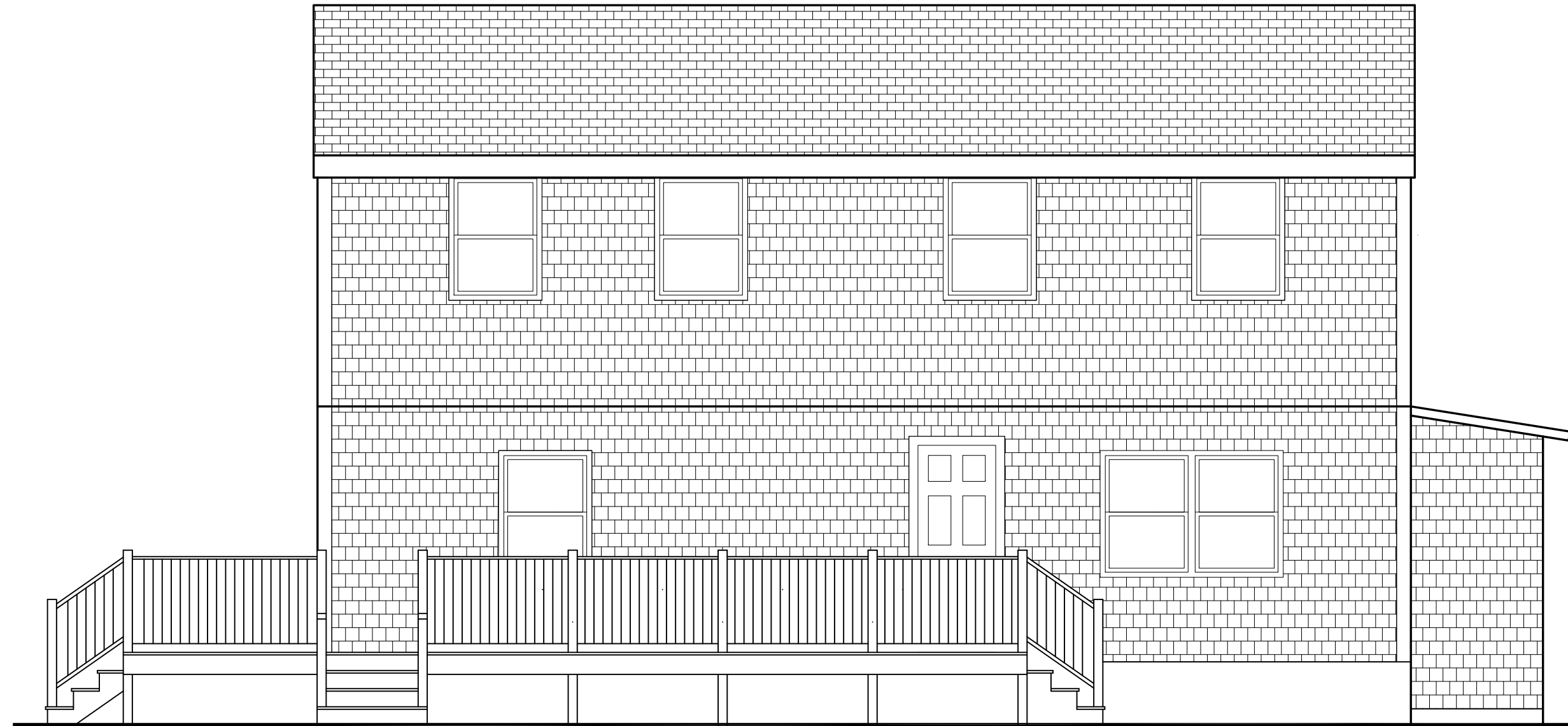
1
A1
EXISTING EAST (FRONT) ELEVATION
1/4"=1'-0"



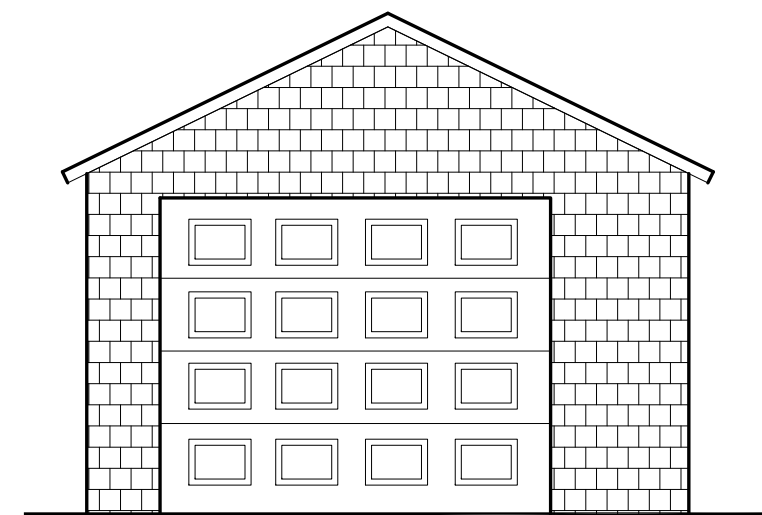
2
A1
EXISTING SOUTH ELEVATION
1/4"=1'-0"



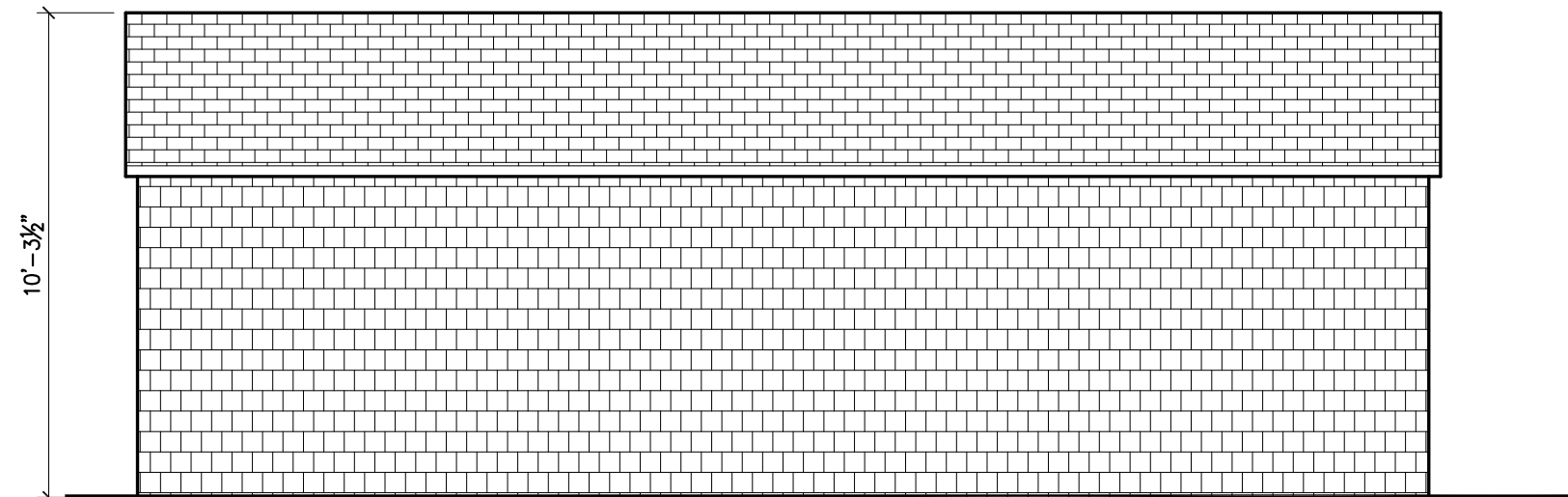
3
A1
EXISTING WEST (REAR) ELEVATION
1/4"=1'-0"



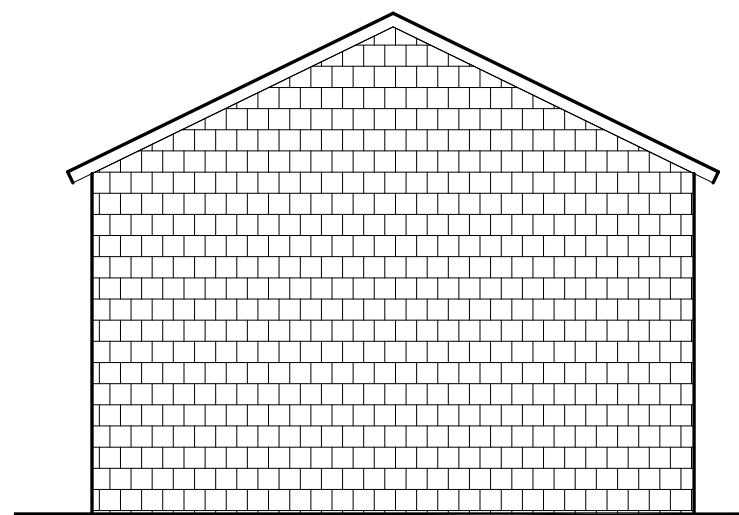
4
A1
EXISTING NORTH ELEVATION
1/4"=1'-0"



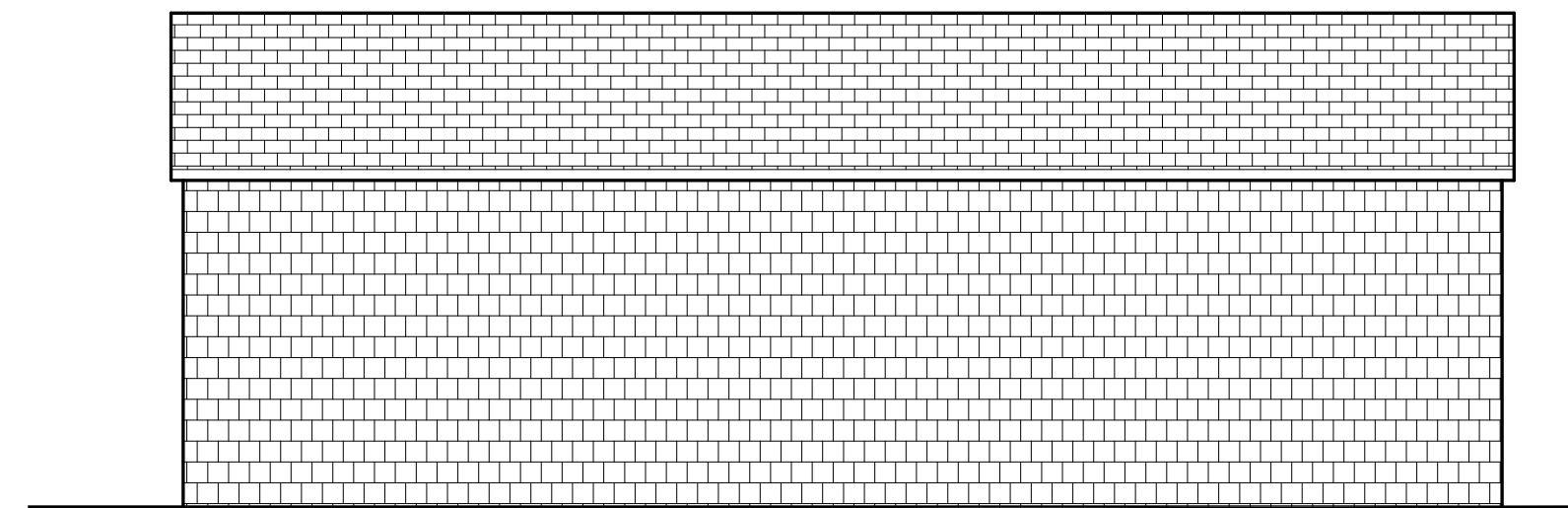
5
A1
EXISTING GARAGE EAST (FRONT) ELEV.
1/4"=1'-0"



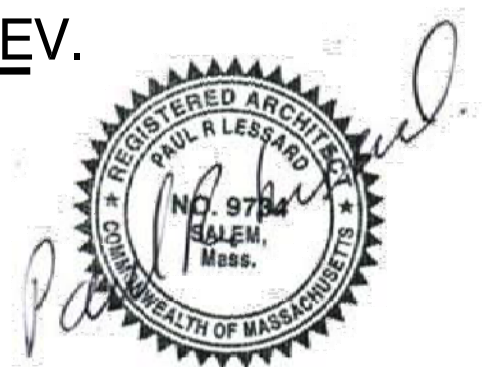
6
A1
EXISTING GARAGE SOUTH ELEV.
1/4"=1'-0"



7
A1
EXISTING GARAGE WEST ELEV.
1/4"=1'-0"



8
A1
EXISTING GARAGE NORTH ELEV.
1/4"=1'-0"



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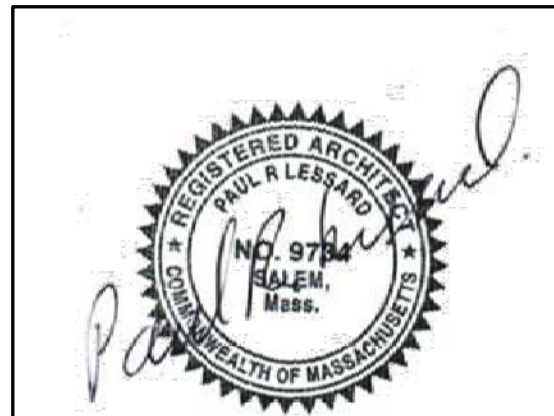
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
EXISTING EXTERIOR ELEVATIONS

REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A1



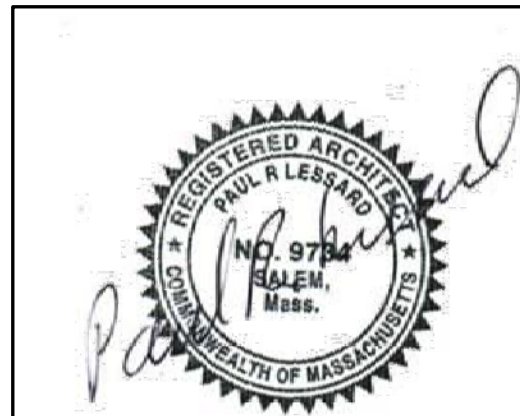
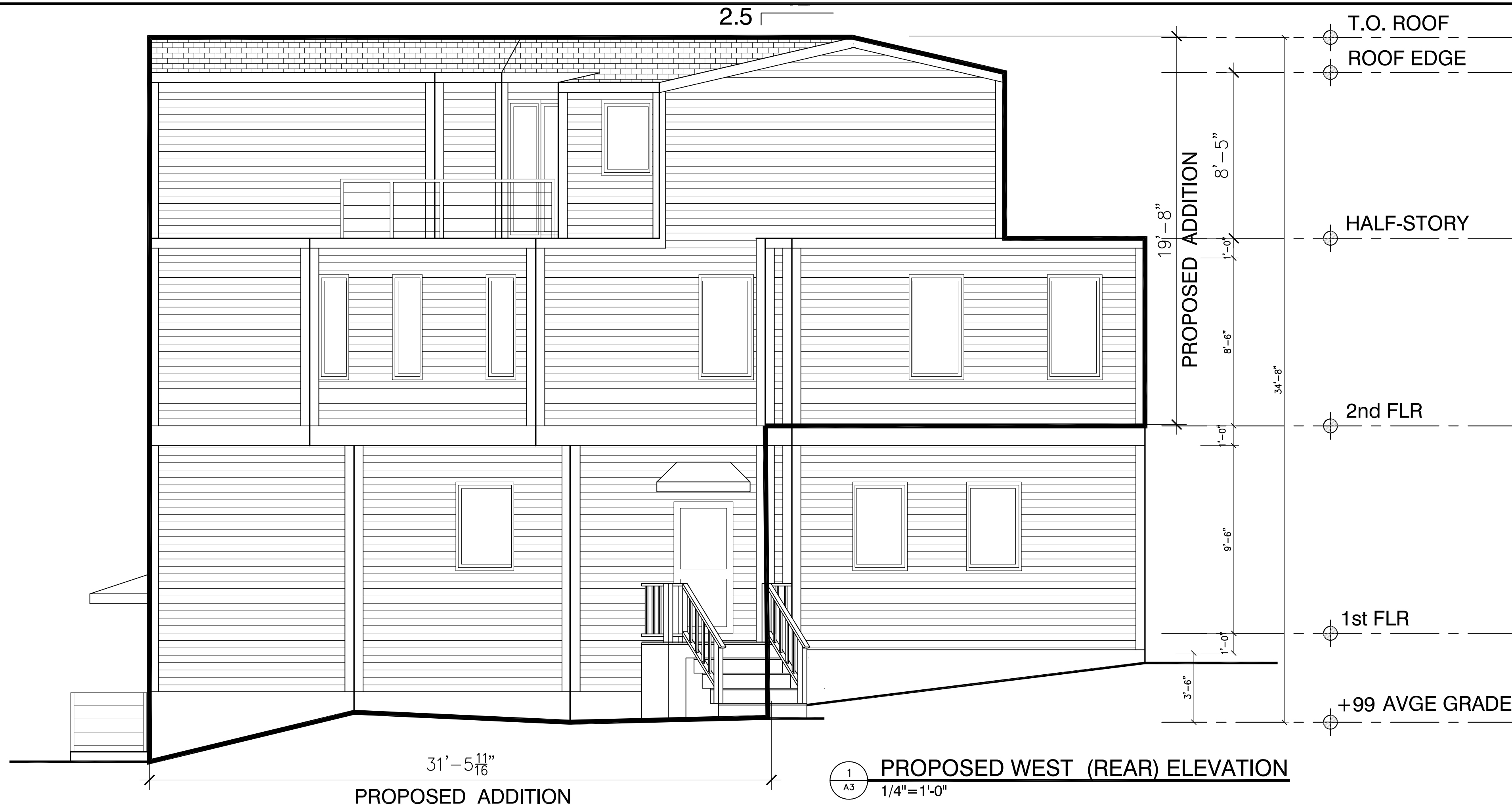
PAUL R. LESSARD
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HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED EXTERIOR SOUTH & WEST ELEVATIONS

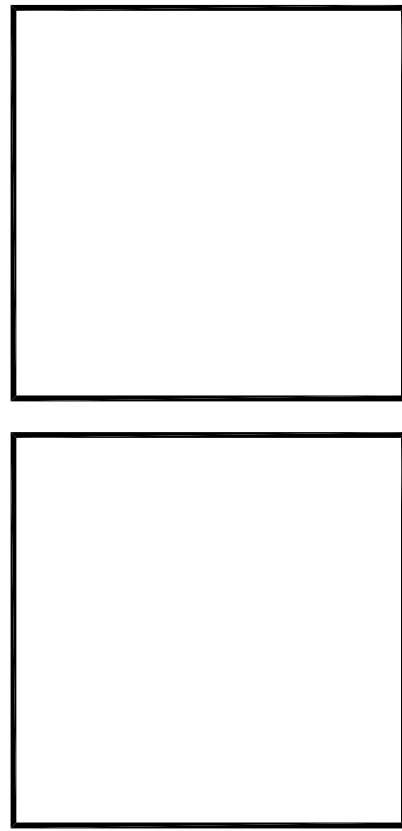
REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:
A2



PAUL R. LESSARD
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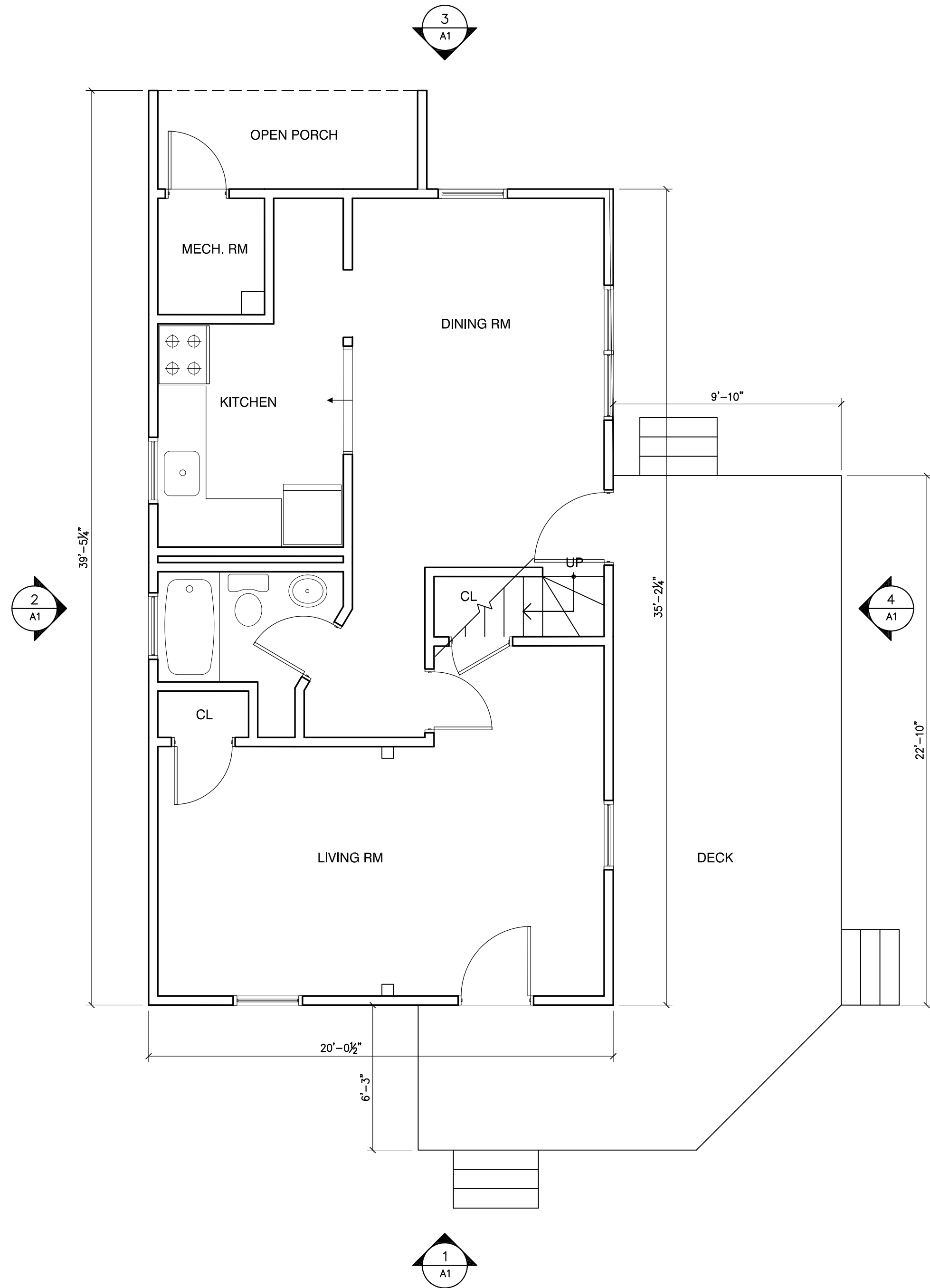


HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED EXTERIOR WEST & NORTH ELEVATIONS

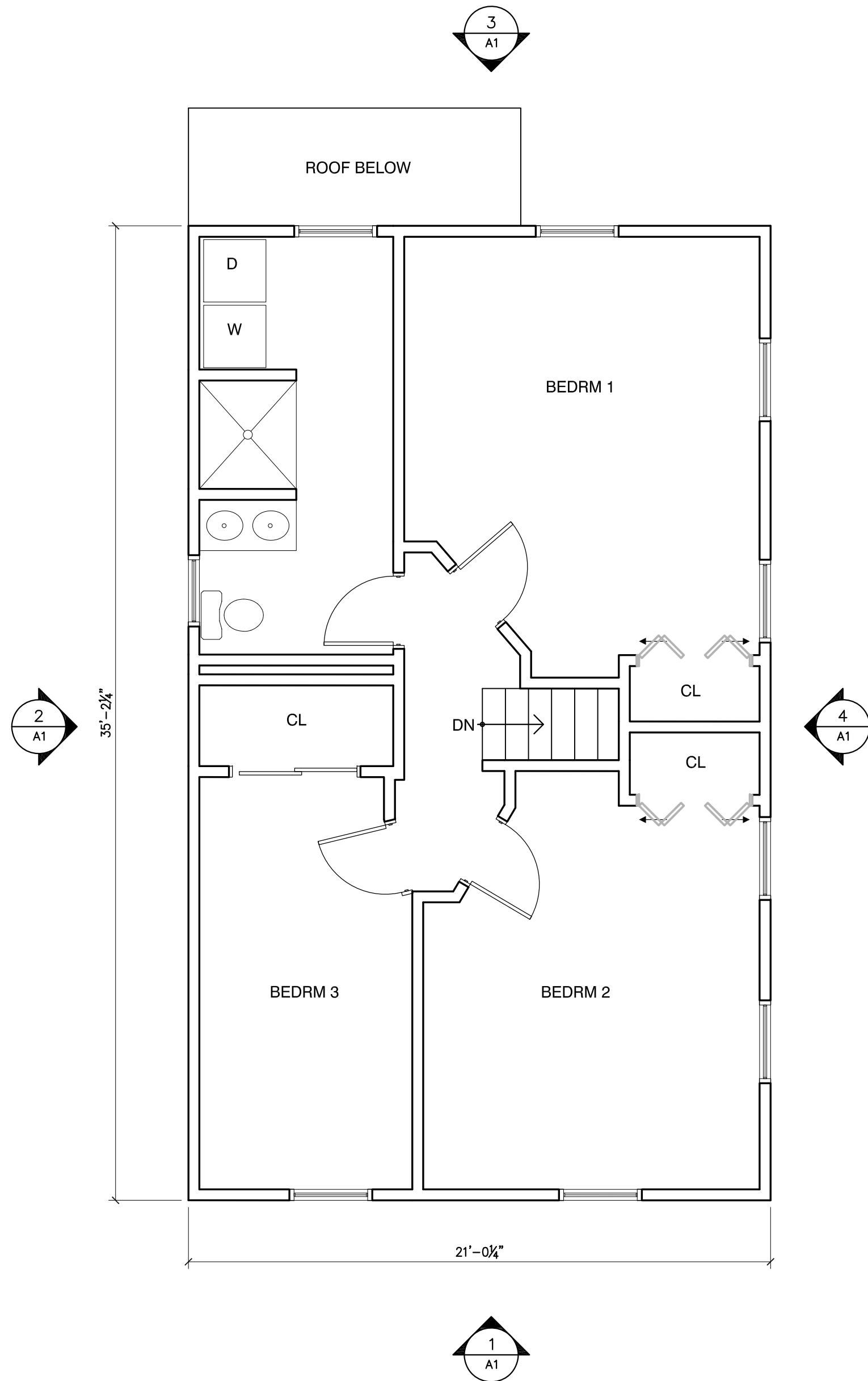
REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

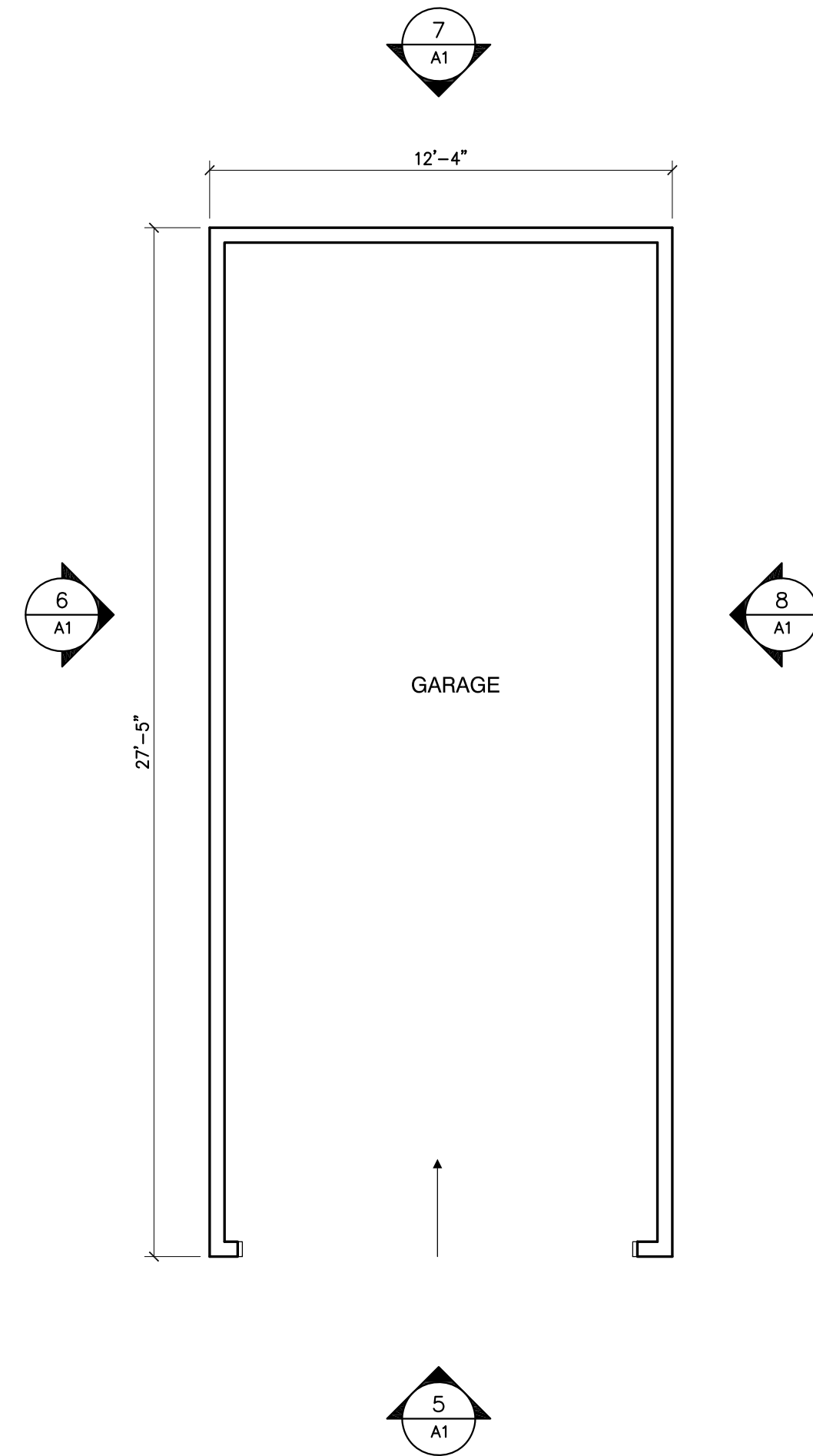
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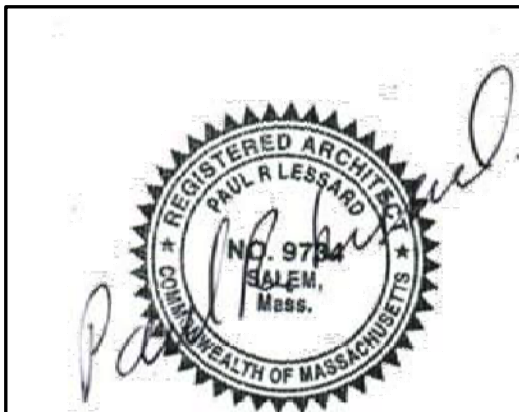
1
A4
EXISTING 1st FLOOR PLAN
1/4"=1'-0"



2
A4
EXISTING 2nd FLOOR PLAN
1/4"=1'-0"



3
A4
EXISTING GARAGE FLOOR PLAN
1/4"=1'-0"

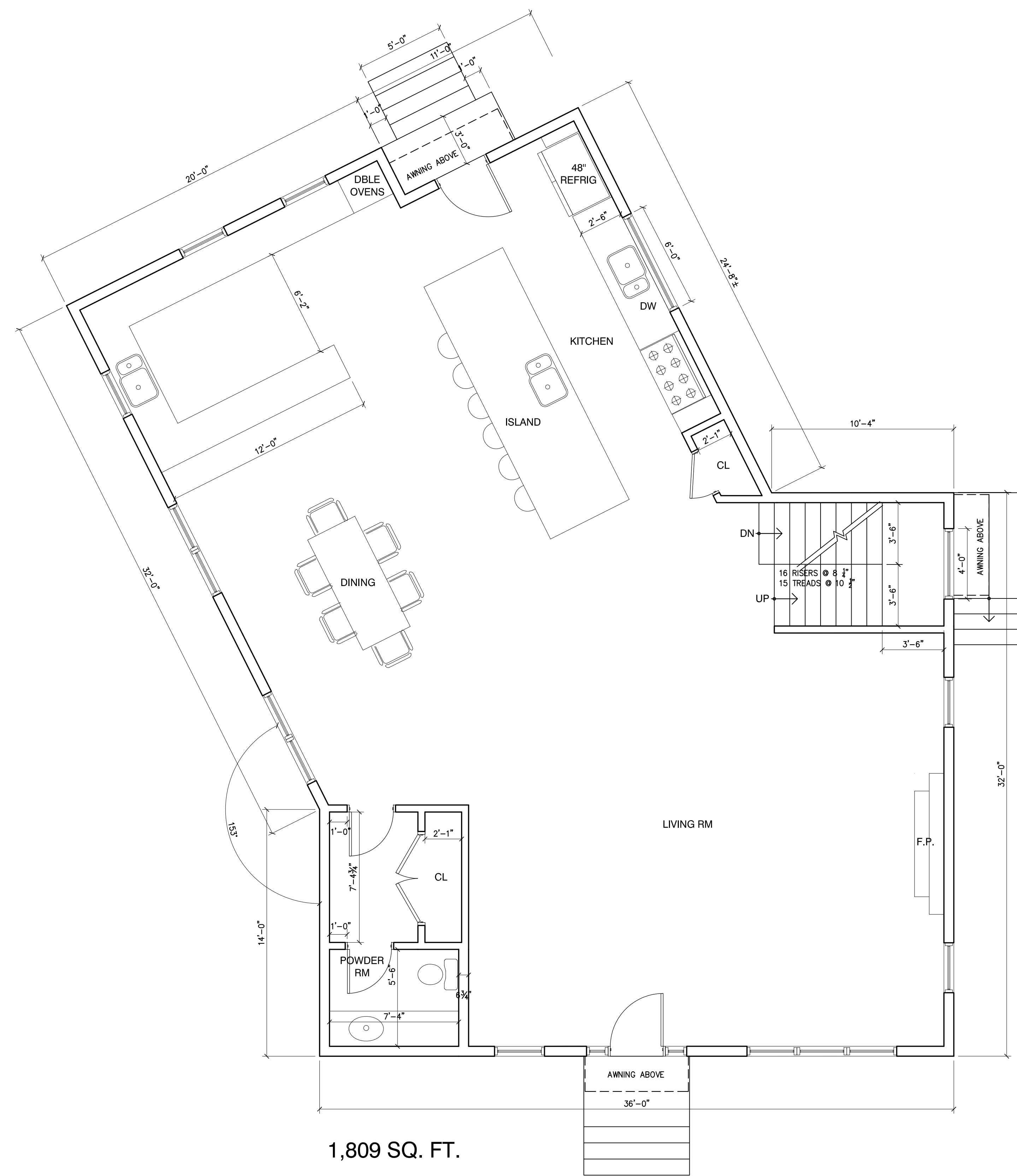
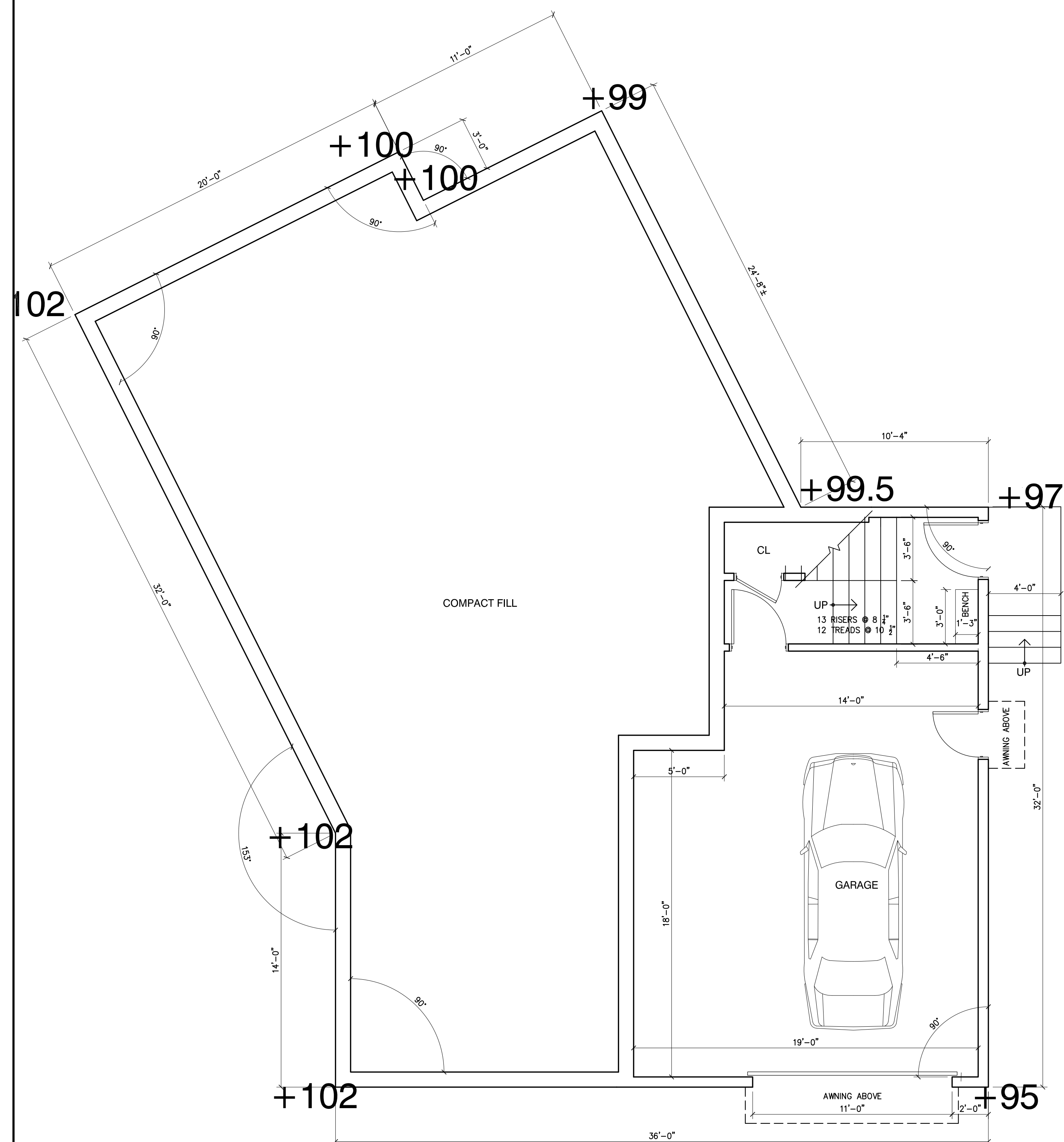


REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A4



GROSS SQUARE FOOTAGE = 4,562 SQ. FT.
LOT AREA = 9,120 SQ. FT.
FLOOR AREA RATIO (F.A.R.) = .50



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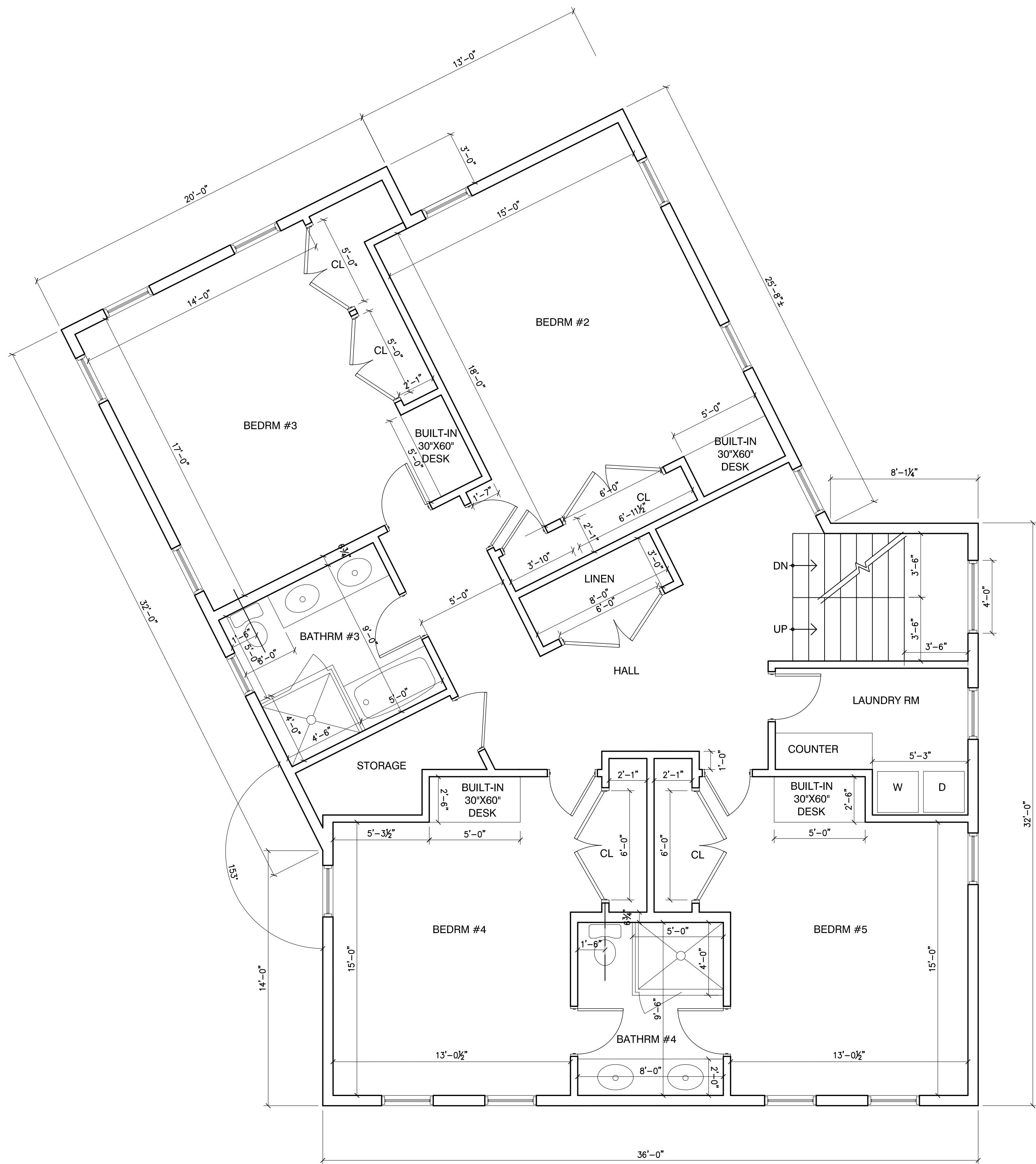
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS
PROPOSED BASEMENT/GARAGE & 1st FLOOR PLANS

REVISIONS:

PROJECT NUMBER:	
DATE: 12/12/24	
SCALE: AS NOTED	
DRAWN: PRL	
CHECK:	

DRAWING NUMBER:

A5



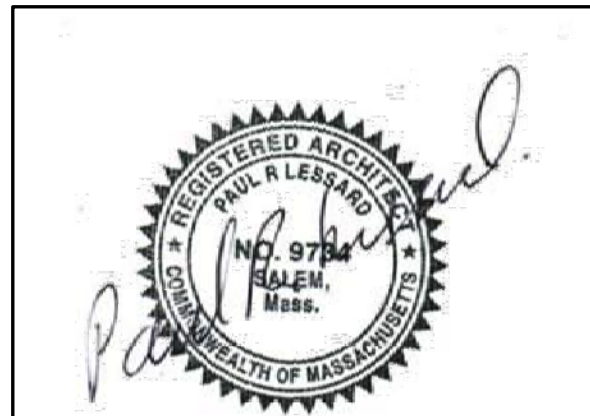
1,859 SQ. FT.

1
A6 PROPOSED 2nd FLOOR PLAN
1/4"=1'-0"



894 SQ. FT.

2
A6 PROPOSED 3rd FLOOR PLAN
1/4"=1'-0"



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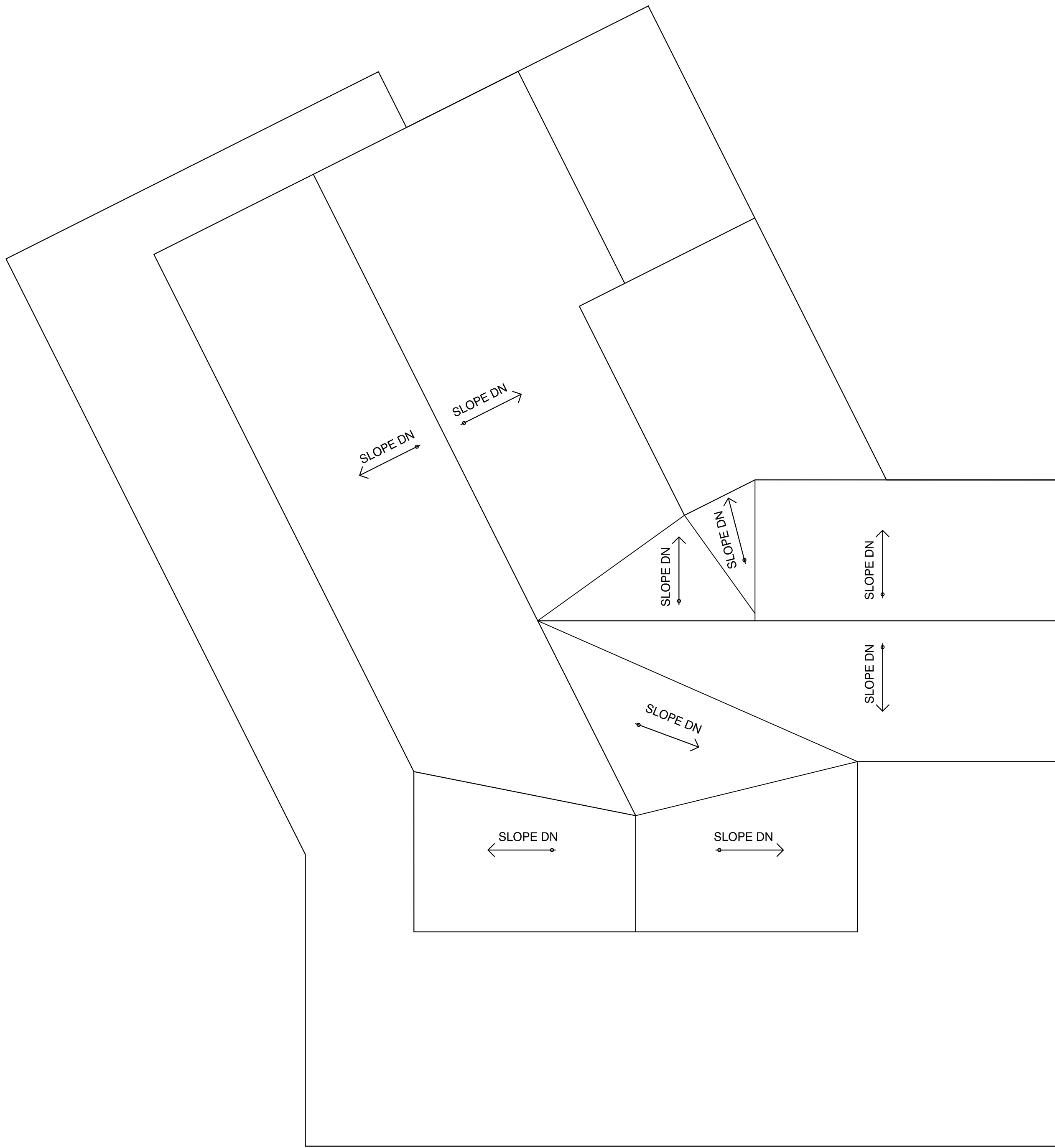
HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS

PROPOSED 2nd & 3rd FLOOR PLANS

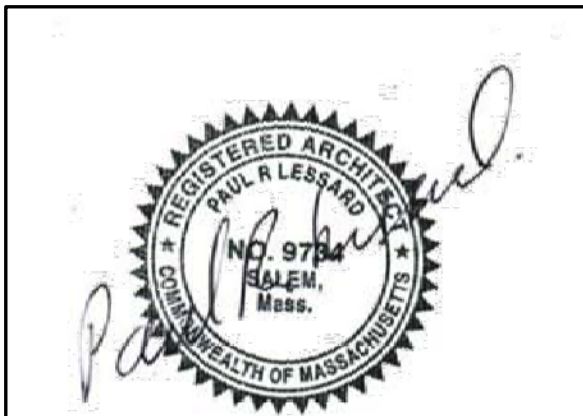
REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:
A6



1
A7
PROPOSED ROOF PLAN
1/4"=1'-0"



HOUSE ADDITION
39 WOODSIDE LANE
ARLINGTON, MASSACHUSETTS

PROPOSED ROOF PLAN

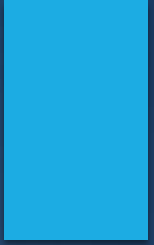
REVISIONS:

PROJECT NUMBER:
DATE: 12/12/24
SCALE: AS NOTED
DRAWN: PRL
CHECK:

DRAWING NUMBER:

A7

PAUL R. LESSARD
• REGISTERED ARCHITECT •
13 STATION ROAD SALEM, MA 01970
(978) 210-1960 paul@paularchitect.com



A review of other houses in the 39 Woodside Lane neighborhood

61
WOODSIDE LN



4,700 SF



64

WOODSIDE LN

5,060 SF



6

Lillian Lane

4,636 SF



33

RIDGE STREET

4,706 SF



66 RIDGE STREET



5,238 SF



248

RIDGE STREET

5,000 SF



239
RIDGE STREET

4,429 SF



59

OLD MYSTIC RD

4,285 SF



72
COLLEGE AVENUE

5,025 SF



41
YERXA ROAD

4,072 SF



Average Square Feet of List	4,715 SF
39 Woodside Lane Proposed SF	4,562 SF

MEDFORD ENGINEERING & SURVEY
LAND SURVEYORS

15 HALL STREET, MEDFORD, MA 02155
PHONE: 781-396-4466 FAX: 781-396-8052
EMAIL: chuck@medfordsurvey.com

December 31, 2024

Town of Arlington Board of Appeals
51 Grove Street
Arlington, MA. 02476

Property Location: 39 Woodside Lane Arlington

Members,

I was asked to explain how the existing useable open space at 39 Woodside Lane is 0%.

The only area where a 25' x 25' box can fit on the lot, free of buildings and the driveway is in the front yard between the left lot line and the existing driveway. But after going back to the lot and doing a detailed topo survey of that area, I was unable to find a 25' x 25' area that had a slope of less than 8%.

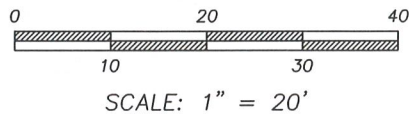
If this project is approved, as part of the grading of the front yard, we are proposing a retaining wall that will modify the grade from the left side line to the new driveways retaining wall, resulting in a grade of less than 8% which will create useable open space in that area.

Hopefully this answers your questions with the proposed increase in useable open space for the project at 39 Woodside Road.

Sincerely,



Richard J. Mede Jr. P.L.S.
Survey Supervisor
Medford Engineering and Survey



EXISTING USABLE OPEN SPACE S.F. = 0 S.F.
EXISTING USABLE OPEN SPACE% = 0%

PROPOSED USABLE OPEN SPACE S.F. = 1,612 S.F.
PROPOSED USEABLE OPEN SPACE% = 17.67% OF LOT AREA

NOTE: LOCATION OF FENCES SHOWN ARE APPROXIMATE AND FOR AESTHETIC PURPOSES ONLY. A DETAILED LOCATION WOULD BE REQUIRED FOR THE EXACT LOCATION.

CURRENT OWNER: BETTER HOMES REALTY LLC

TITLE REFERENCE: BK 79628 PG 176

PLAN REFERENCE: BK 7738 END

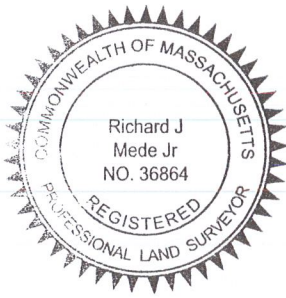
THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ABUTTING PROPERTIES IS ACCORDING TO ASSESSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

SURVEYOR'S CERTIFICATION:

TO: BETTER HOMES REALTY L.L.C.

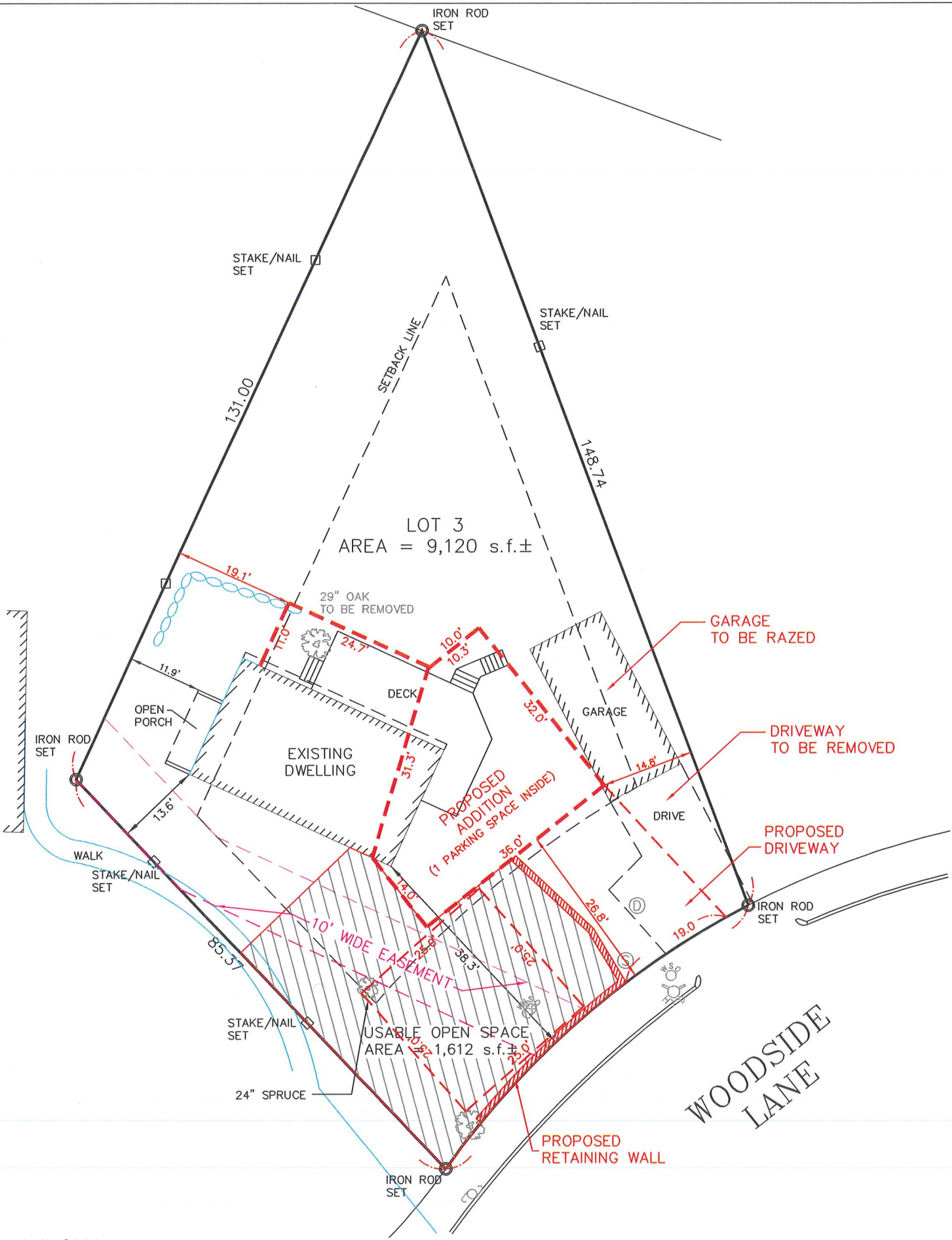
I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: MAY 20, 2022
DATE OF PLAN: MAY 02, 2024
DATE OF PLAN: JUNE 15, 2024 (REVISIONS)
DATE OF PLAN: JULY 10, 2024 (REVISIONS)
REVISION: NOVEMBER 20, 2024 (DRIVEWAY CHANGES)
REVISION: DECEMBER 12, 2024 (REVISIONS)




RICHARD J. MEDE, JR. P.L.S.

12/12/2024
DATE:



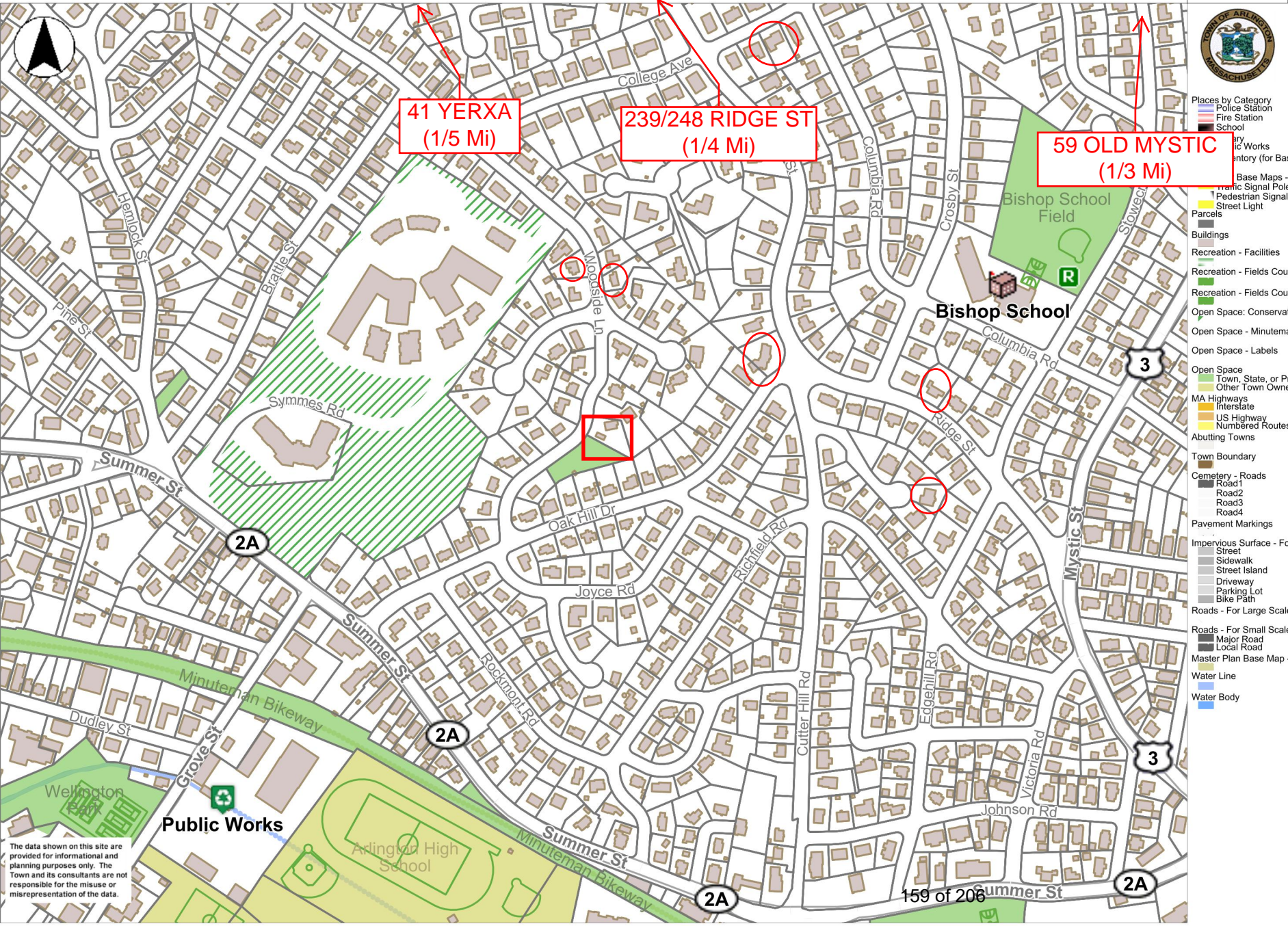
CERTIFIED PLOT PLAN
39 WOODSIDE LANE
ARLINGTON, MA.
(MIDDLESEX COUNTY)

PREPARED BY:



PREPARED FOR:
A.C. GENERAL

DRAWN	CHECKED	FILE No.
CAV	RJM	21526



39 Woodside Lane development proposal

From Erik Moore <eriknorthamerica@gmail.com>

Date Tue 1/14/2025 8:45 AM

To ZBA <ZBA@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To: Zoning Board of Appeals.

As an abutter, I reviewed the proposals to develop a 4562 square foot house on 39 Woodside Lane. I am not opposed to redeveloping this property but I'm concerned that this proposed house is far too big to fit in with the neighborhood.

The proposal contains a Review of the Neighborhood including 10, mostly attractive houses that average 4715 square feet. However if you look at the certified list of the abutters, not a single house on this list actually appears in the list of abutters.

I went a step further. Using data from Zillow, I calculated the square footage of the average house on the certified abutter's list. You can see that even the largest house on the abutter's list is far smaller than this proposed development. I calculated that the proposed house, at 4562 square feet, is 39% larger than the largest house. If you look at the average size of the houses on the abutter list, it is approximately 1626 square feet.

This proposed house is far too large for the neighborhood, and even if you look at the documentation, the surveyor had trouble finding space on the log for such a large property. That to me is another sign that this house is too large for the neighborhood and too large for the lot.

I am not opposed to them developing a new house on the existing property, and not even opposed to a largish house there. But I feel that creating such gigantic houses in our neighborhood is out of character for the neighborhood.

Erik Moore
26 Woodside Lane
Arlington, MA

9 Hazel Terrace	3274
66 Oak Hill Drive	3229
18 hazel Terrace	2750
51 Oak Hill Drive	2504
15 Hazel Terrace	2200
2 Saratoga Road	2186

20 Joyce Road	2144
65 Oak Hill Drive	2100
30 Oak Hill drive	2092
1 Hazel Terrace	2050
58 Oak Hill Drive	2023
70 Oak Hill Drive	1961
50 Oak Hill Drive	1945
20 Vista Circle	1932
10 Woodside lane	1926
5 Saratoga Road	1872
43 Oak Hill Drive	1792
26 Joyce Road	1742
62 Oak Hill Drive	1740
69 Oak Hill Drive	1730
54 Oak Hill Drive	1728
8 Vista Circle	1611
14 Woodside lane	1568
6 hazel terrace	1525
5 Woodside lane	1495
38 Woodside Lane	1450
35 Oak Hill Drive	1443
38 Oak Hill Drive	1440
42 Woodside Lane	1398
16 Vista Circle	1397
46 Woodside Lane	1330
42 Oak Hill Drive	1316
43 Woodside Lane	1309
47 Oak Hill Drive	1291
10 hazel terrace	1282
47 Woodside Lane	1282
34 Joyce Road	1238
39 Oak Hill drive	1233
30 Joyce Road	1222
46 Oak Hill Drive	1176
14 Hazel terracee	1080
35 Joyce Road	1056
50 Woodside Lane	1040
12 Vista Circle	972
5 Hazel Terrace	876
26 Woodside Lane	700
30 Woodside Lane	700
34 Woodside Lane	700

Ken Lubar

To:ZBA

Sat 2/15/2025 3:49 PM

39 Woodside.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Zoning Board of Appeals

Meeting date: Tuesday, February 25, 2025

Although I'm not an abutter to the property under discussion, as an Arlington resident and frequent walker through the town I wanted to provide my input into the appeal. I've reviewed the materials submitted by the applicant and the "review of other houses in the 39 Woodside Lane neighborhood" document is highly misleading. This document list 10 residences, of which none are direct abutters, and some are more than a mile away. By cherry picking selected residences, the developer is providing an inaccurate representation of comparable houses in an attempt to site a very large structure on a small lot. The proposed structure is just too big for a 9,100 square foot lot.

In casting a wide net to find similar sized houses elsewhere in Arlington, the developer left a key fact – that many of the houses cited are on much larger lots. Some of the lots are 50% bigger (66 Ridge Street).

I would urge the Zoning Board of Appeals to make fact based decisions, rather than relying on fanciful materials. The proposed structure is a too big on too small of a lot. The Zoning Board of Appeals should work with the developer to come up with a residence that contributes to the neighborhood.

I've attached a document that shows that the cherrypicked residences that the developer submitted are not in the neighborhood.

I will not be able to attend the meeting in person. Please confirm receipt of this email as I've had issues with the town's email system.

Thanks

Ken Lubar

33 Gray Street

Arlington

Blue dots show selected “other houses in 39 Woodside neighborhood”

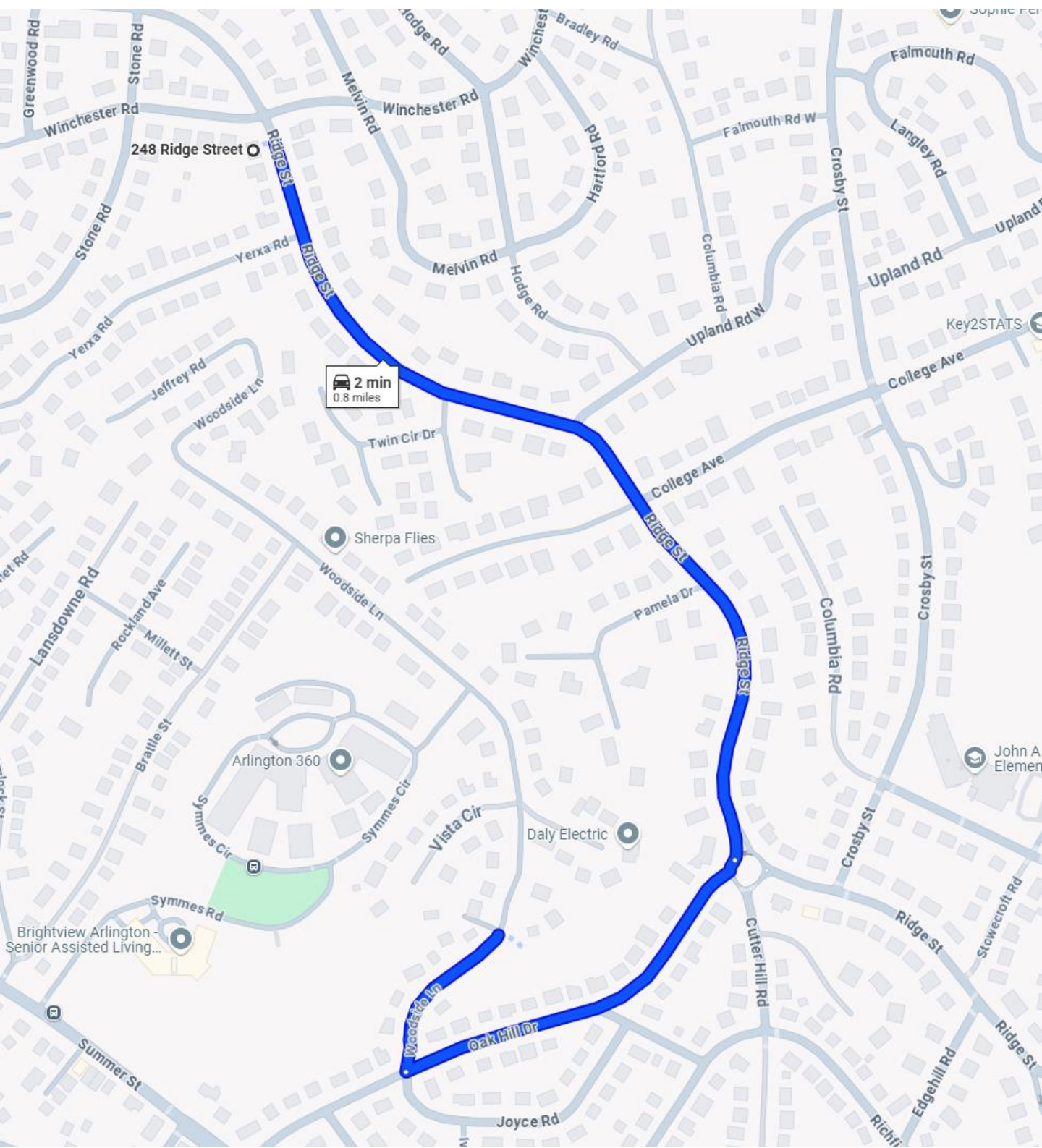


39 Woodside Lane
61 Woodside Lane
64 Woodside Lane
6 Lillian Lane
33 Ridge Street
66 Ridge Street
248 Ridge Street
239 Ridge Street
59 Old Mystic Road
72 College Avenue
41 Yerca Road

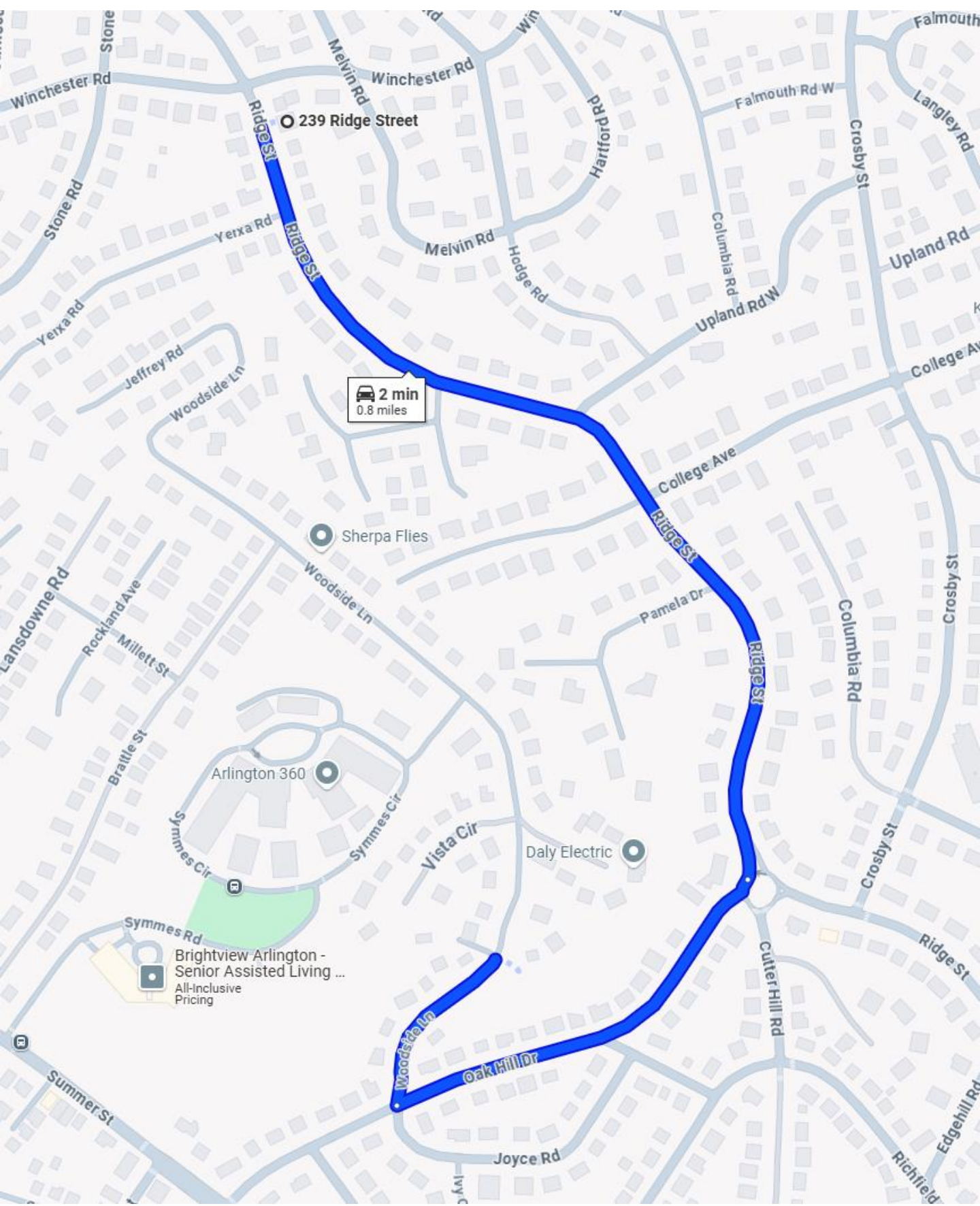
“In the neighborhood” houses

Houses not indicated on this map were too far away. See subsequent pages for details

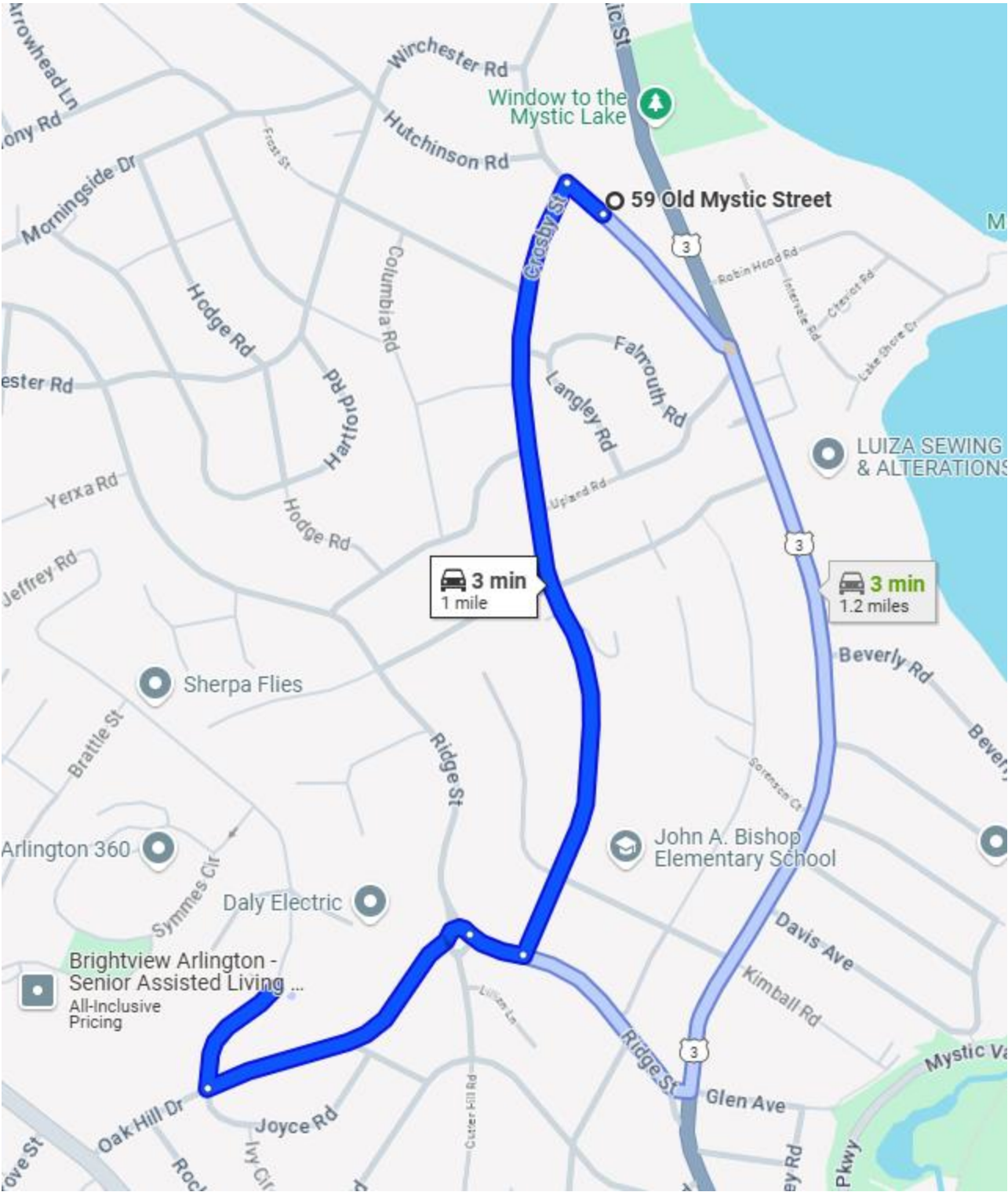
Distance to 248 Ridge



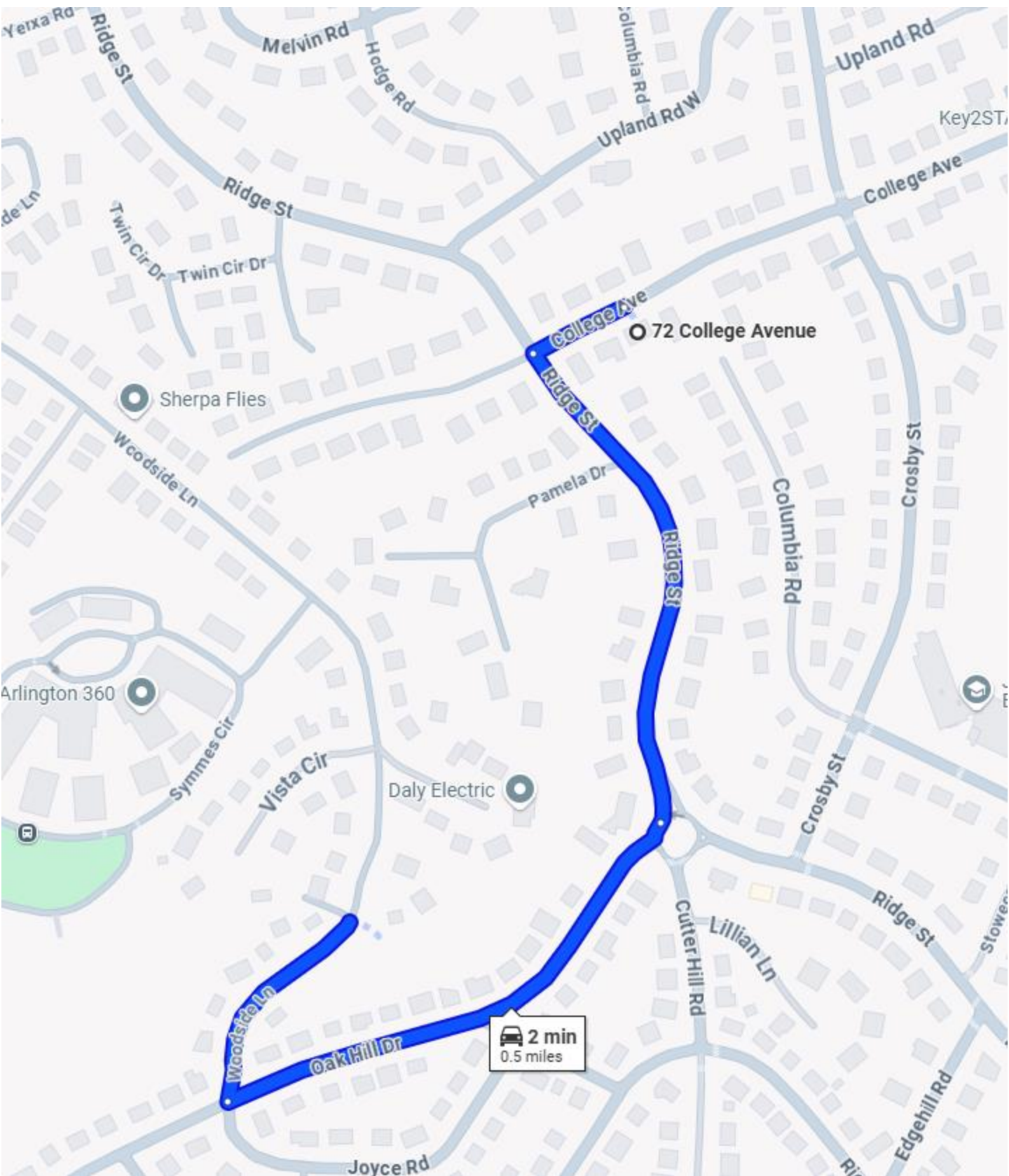
Distance to 239 Ridge



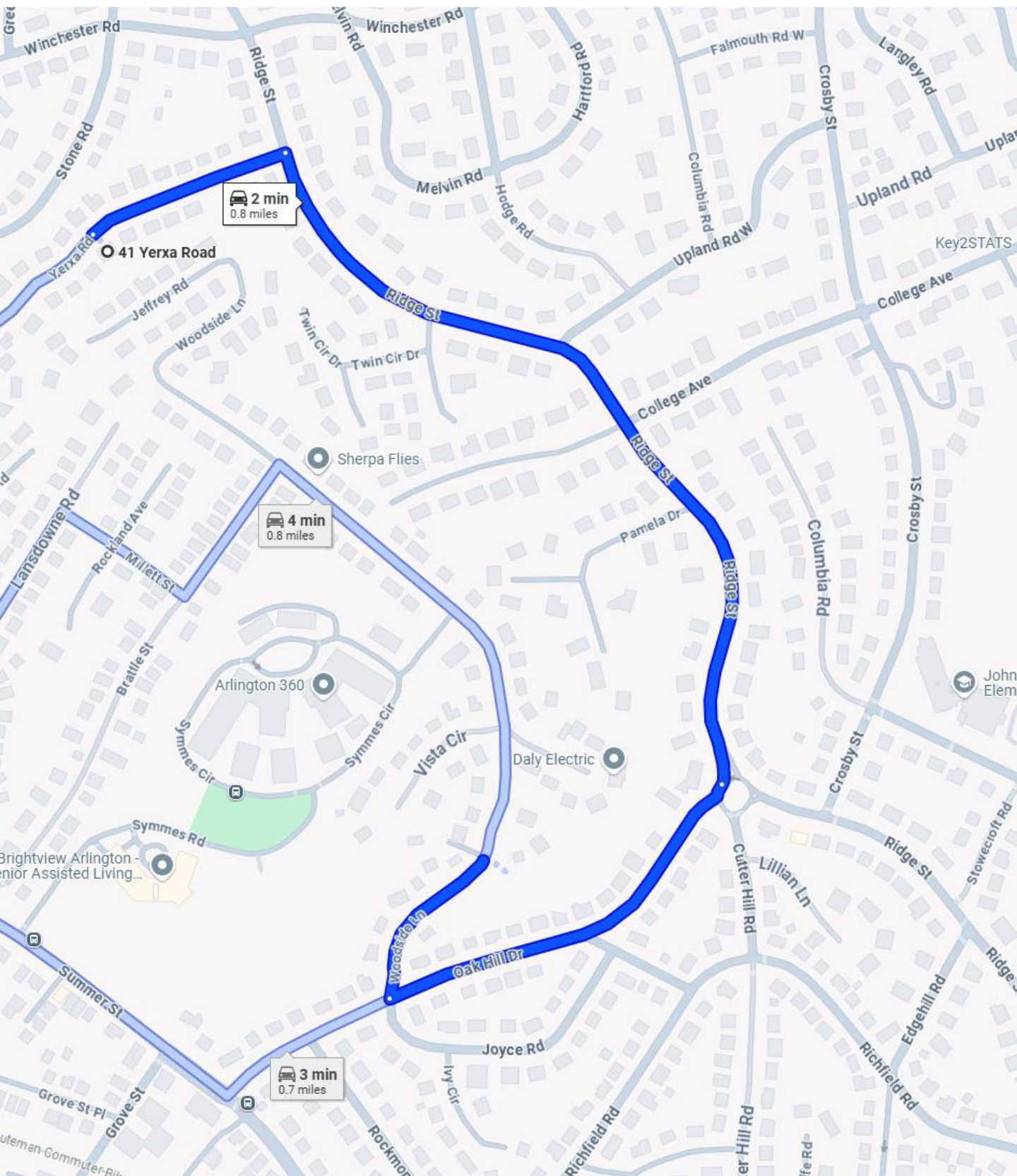
Distance to 59 Old Mystic Street



Distance to 72 College Ave



Distance to 41 Yerxa Road



KRATTENMAKER O'CONNOR & INGBER P.C.

ATTORNEYS AT LAW

ONE MCKINLEY SQUARE
BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 523-1010
FAX (617) 523-1009

March 4, 2025

CHARLES G. KRATTENMAKER, JR.
MARY WINSTANLEY O'CONNOR
KENNETH INGBER

OF COUNSEL: RAYMOND SAYEG

VIA EMAIL

Christian Klein, Chairperson
Arlington Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476

Re: 39 Woodside Lane, Arlington, MA
Docket No. 3830

Dear Chairperson Klein:

On behalf of the applicant for the above-referenced request for special permit, I would ask that you continue the hearing, scheduled for Thursday, March 11, 2025, to a Tuesday at the end of April or beginning of May, 2025.

The applicant continues to review and address the matters raised by the members of the Zoning Board of Appeals.

I thank you.

Very truly yours,

Mary Winstanley O'Connor

MWO/lm
8013

cc: Stephanie Janvion, AC General Contracting (via email)



Town of Arlington, Massachusetts

Docket #3835 28 Draper St (continued)

Summary:

Variance Application: <https://arlingtonma.portal.opengov.com/records/208296>

Special Permit App: <https://arlingtonma.portal.opengov.com/records/207646>

ATTACHMENTS:

Type	File Name	Description
Reference Material	3835_28_Draper_St_Legal_Ad.pdf	3835 28 Draper St Legal Ad
Reference Material	3835_28_Draper_St_Application_SP-24-36.pdf	3835 28 Draper St Special Permit Application SP-24-36
Reference Material	#3835_28_Draper_Ave_Application_V-25-1.pdf	#3835 28 Draper Ave Variance Application V-25-1
Reference Material	3835_28_Draper_Avenue_abutter_list_and_map.pdf	3835 28 Draper Avenue abutter list and map
Reference Material	3835_28_Draper_Avenue_Plot_Plan.pdf	3835 28 Draper Avenue Plot Plan
Reference Material	3835_28_Draper_Avenue_Plans.pdf	3835 28 Draper Avenue Plans
Reference Material	3835_28_Draper_Ave_continuance_request_2-10-25.pdf	3835 28 Draper Ave continuance request 2-10-25
Reference Material	Neighbor_photo_Shaffer_02182025.pdf	Neighbor photo Shaffer 02182025
Reference Material	3835_28_Draper_St_continuance_request_3-10-25.pdf	3835 28 Draper St continuance request 3-10-25



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

DOCKET NO 3835

Notice is herewith given in accordance with the provisions of Section 3.2.2 of the Zoning Bylaws that there has been filed, by **Vipender Singh and Kelly Casey**, on December 18, 2024, a petition seeking to alter their property located at **28 Draper Ave - Block Plan 069.0-0002-0015.0** Said petition would require a **Special Permit** under **5.10.2** and a **Variance under 8.1.4D** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening at 7:30 P.M on February 11, 2025, as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/zba-calendar> and choose the date of the meeting you wish to attend. **For documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/agendas-minutes>

Please direct any questions to: **ZBA@town.arlington.ma.us**

Christian Klein, RA, Chair
Zoning Board of Appeals



SP-24-36

Special Use Permit
Application (ZBA)

Status: Active

Submitted On: 12/18/2024

Primary Location

28 DRAPER AVE
Arlington, MA 02474


Owner

SINGH VIPENDER &; CASEY
KELLY
28 DRAPER AVE ARLINGTON,
MA 02474

Applicant

 John Lodge
 617-308-3037
 john@johnlodgearchitects.com
 56 Aberdeen Ave.
Cambridge, MA 02138

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in  the district for which the application is made or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)****

- 8.1.3.D Adding an accessory dwelling unit
- 8.1.4.D Moving a non-conforming structure
- 8.1.6.A Decreasing, but not removing a setback non-conformity

Explain why the requested use is essential or desirable to the public convenience or welfare.*

We are requesting the the existing 2-story barn in the rear corner of the lot be relocated and attached to the rear of the house in order to create an ADU for an elderly family member. This relocation will be benficial to the neighborhood because it will eliminate a side yard setback non-conformity and will substantially reduce a rear yard setback non-conformity.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The requested renovation will create a single-person ADU. Initially, it will be used for an aging parent who does not drive. In the event that there is a new tenant, the lot currently has a driveway with room for off-street parking for two cars.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

The requested renovation will create a single-person ADU with one bath and a small kitchenette.. The existing house currently has 2 1/2 baths, so the increase in water and sewer usage will be modest.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

5.10.2.B
8.1.3.D Creation of an Accessory Dwelling Unit

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The proposed renovation will reuse the existing barn as an attached ADU. While it is currently located on the right side property line and roughly 1' away from the rear property line, in the new layout, the rear yard setback non-conformity will be significantly reduced and the side yard setback requirements will be met. As such, the existing site will create more diversity in the available pool of housing, retain its existing architectural character, and provide more usable open space without increasing the volume.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

The requested renovation will combine the two existing buildings already on the lot and will reduce the overall footprint of these two buildings. The reconfigured building will be used as a residence with an ADU which is an appropriate use in this predominantly residential neighborhood.

Dimensional and Parking Information

Present Use/Occupancy *

Residential single-family house

Proposed Use/Occupancy *

Residential single-family house with an ADU

Existing Number of Dwelling Units*

1

Proposed Number of Dwelling Units*

2

Existing Gross Floor Area (Sq. Ft.)*

2878

Proposed Gross Floor Area (Sq. Ft.)*

2820

Existing Lot Size (Sq. Ft.)*

5280

Proposed Lot Size (Sq. Ft.)* ?

5280

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

60

Proposed Frontage (ft.)*

60

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0.545

Proposed Floor Area Ratio*

0.534

Max. Floor Area Ratio required by Zoning*

0.35

Existing Lot Coverage (%)*

33.9

Proposed Lot Coverage (%)*

32.7

Max. Lot Coverage required by Zoning*

35

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

5280

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

2640

Minimum Lot Area per Dwelling Unit required by Zoning*

6000

Existing Front Yard Depth (ft.)*

14.3

Proposed Front Yard Depth (ft.)*

14.3

Minimum Front Yard Depth required by Zoning*

25

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning* ?

0

Existing Left Side Yard Depth (ft.)* ?

13.27

Proposed Left Side Yard Depth (ft.)* ?

13.27

Minimum Left Side Yard Depth required by Zoning* ?

10

Existing Right Side Yard Depth (ft.)* ?

0.156

Proposed Right Side Yard Depth (ft.)* ?

10

Minimum Right Side Yard Depth required by Zoning* ?

10

Existing Rear Yard Depth (ft.)*

0.75

Proposed Rear Yard Depth (ft.)*

11.8

Minimum Rear Yard Depth required by Zoning*

17.6

Existing Height (stories)

2.5

Proposed Height (stories)*

2.5

Maximum Height (stories) required by Zoning*

2.5

Existing Height (ft.)*

35

Proposed Height (ft.)*

35

Maximum Height (ft.) required by Zoning*

35

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

2525

Proposed Landscaped Open Space (Sq. Ft.)*

2588

Existing Landscaped Open Space (% of GFA)*

47.8

Proposed Landscaped Open Space (% of GFA)*

49

Minimum Landscaped Open Space (% of GFA)
required by Zoning*

10

Existing Usable Open Space (Sq. Ft.)*

1584

Proposed Usable Open Space (Sq. Ft.)*

1042

Existing Usable Open Space (% of GFA)* 

19.3

Proposed Usable Open Space (% of GFA)* ?

20.2

Minimum Usable Open Space required by Zoning*

15.84

Existing Number of Parking Spaces*

2

Proposed Number of Parking Spaces*

2

Minimum Number of Parking Spaces required by Zoning*

2

Existing Parking area setbacks

15

Proposed Parking area setbacks *

15

Minimum Parking Area Setbacks required by Zoning*

25

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

11

Proposed Slope of proposed roof(s) (in. per ft.)*

11

Minimum Slope of Proposed Roof(s) required by Zoning*

3

Existing type of construction*

wood frame

Proposed type of construction*

wood frame

Open Space Information

Existing Total Lot Area*

5280

Proposed Total Lot Area*

5280

Existing Open Space, Usable*

1018

Proposed Open Space, Usable*

1042

Existing Open Space, Landscaped*

2525

Proposed Open Space, Landscaped*

2588

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

675

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

1025

1st Floor, Proposed Gross Floor Area

1379

2nd Floor, Existing Gross Floor Area

946

2nd Floor, Proposed Gross Floor Area

1211

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

230

Attic, Proposed Gross Floor Area

230

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

2876



Total Proposed Gross Floor Area

2820



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



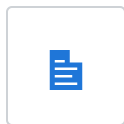
Applicant's Signature*



John E. Lodge

Dec 18, 2024

Attachments



Supporting Documentation [worksheet and drawings]

REQUIRED

28 Draper Avenue - Zoning.pdf

Uploaded by John Lodge on Dec 18, 2024 at 4:48 PM



V-25-1

Variance Permit
Application (ZBA)

Status: Active
Submitted On: 1/22/2025

Primary Location

28 DRAPER AVE
Arlington, MA 02474

Owner

SINGH VIPENDER &; CASEY
KELLY
28 DRAPER AVE ARLINGTON,
MA 02474

Applicant

 John Lodge
 617-308-3037
 john@johnlodgearchitects.com
 56 Aberdeen Ave.
Cambridge, MA 02138

Variance Permit Criteria

Describe the circumstances relating to the soil conditions, shape, or topography especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a Variance.*

The shape of the lot is currently configured such that the existing barn, which the Historic Commission will not allow us to demolish, violates both the rear and side yard setbacks. Our goal is to create an ADU that will connect to the existing house.

Describe how a literal enforcement of the provisions of the Zoning Bylaw, specifically relating to the circumstances affecting the land or structure noted above, would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant.*

While the Historic Commission will not let us demolish the barn, they will let us attach it to the existing house. In this new layout, the rear of the barn will still violate the rear yard setback to a lesser extent. As such, a literal enforcement of the zoning bylaw, in combination with the Historic Commissions ruling, would not allow us to create the ADU.

Describe how desirable relief may be granted without substantial detriment to the public good. *

Desirable relief may be granted without substantial detriment to the public good because, while the mass and bulk of the house and the barn will remain the same on the lot, the proposed layout will be much more compact. It will relocate the barn much farther from the existing side and rear lot lines, giving the two abutters increased access to daylight and circulation.

Describe how desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw of the Town of Arlington, Massachusetts.*

Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw because the proposed project will not increase the bulk or massing on the site.

State Law (MGL Chapter 40a, Section 10) requires that the Zoning Board of Appeals must find that all four (4) criteria are met in order to be authorized to grant a Variance. If any one of the standards is not met, the Board must deny the Variance.

Dimensional and Parking Information

Present Use/Occupancy *

residential

Proposed Use/Occupancy *

residential

Existing Number of Dwelling Units*

1

Proposed Number of Dwelling Units*

2

Existing Gross Floor Area (Sq. Ft.)*

2878

Proposed Gross Floor Area (Sq. Ft.)*

2820

Existing Lot Size (Sq. Ft.)*

5280

Proposed Lot Size (Sq. Ft.)* ?

5280

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

60

Proposed Frontage (ft.)*

60

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0.545

Proposed Floor Area Ratio*

0.534

Max. Floor Area Ratio required by Zoning*

0.35

Existing Lot Coverage (%)*

33.9

Proposed Lot Coverage (%)*

32.7

Max. Lot Coverage required by Zoning*

35

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

5280

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

2640

Minimum Lot Area per Dwelling Unit required by
Zoning*

6000

Existing Front Yard Depth (ft.)*

14

Proposed Front Yard Depth (ft.)*

14.3

Minimum Front Yard Depth required by Zoning*

25

Existing Left Side Yard Depth (ft.)*

15.3

Proposed Left Side Yard Depth (ft.)*

15.3

Minimum Left Side Yard Depth required by Zoning*

10

Existing Right Side Yard Depth (ft.)*

0.16

Proposed Right Side Yard Depth (ft.)*

10

Minimum Right Side Yard Depth required by Zoning*

10

Existing Rear Yard Depth (ft.)*

0.75

Proposed Rear Yard Depth (ft.)*

11.8

Minimum Rear Yard Depth required by Zoning*

17.6

Existing Height (stories)

2.5

Proposed Height (stories)*

2.5

Maximum Height (stories) required by Zoning*

2.5

Existing Height (ft.)*

31.6

Proposed Height (ft.)*

31.6

Maximum Height (ft.) required by Zoning*

35

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

2525

Proposed Landscaped Open Space (Sq. Ft.)*

2588

Existing Landscaped Open Space (% of GFA)*

47.8

Proposed Landscaped Open Space (% of GFA)*

49

Minimum Landscaped Open Space (% of GFA)
required by Zoning*

8

Existing Usable Open Space (Sq. Ft.)*

1018

Proposed Usable Open Space (Sq. Ft.)*

1042

Existing Usable Open Space (% of GFA)*

19.3

Proposed Usable Open Space (% of GFA)*

20.2

Minimum Usable Open Space required by Zoning*

1584

Existing Number of Parking Spaces*

2

Proposed Number of Parking Spaces*

2

Minimum Number of Parking Spaces required by
Zoning*

1

Existing Parking area setbacks

20

Proposed Parking area setbacks *

20

Minimum Parking Area Setbacks required by
Zoning*

20

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by
Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

10.5

Proposed Slope of proposed roof(s) (in. per ft.)*

10.5

Minimum Slope of Proposed Roof(s) required by Zoning*

3

Existing type of construction*

wood frame

Proposed type of construction*

wood frame

Open Space Information

Existing Total Lot Area*

5280

Proposed Total Lot Area*

5280

Existing Open Space, Usable*

1018

Proposed Open Space, Usable*

1042

Existing Open Space, Landscaped*

2525

Proposed Open Space, Landscaped*

2588

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

675

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

1027

1st Floor, Proposed Gross Floor Area

1379

2nd Floor, Existing Gross Floor Area

946

2nd Floor, Proposed Gross Floor Area

1211

3rd Floor, Existing Gross Floor Area

230

3rd Floor, Proposed Gross Floor Area

230

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

2878



Total Proposed Gross Floor Area

2820



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:


- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

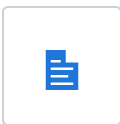
I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



Applicant's Signature*

 John E. Lodge
Jan 22, 2025

Attachments



Supporting Documentation [worksheet and drawings]
28 Draper Avenue - Zoning.pdf
Uploaded by John Lodge on Jan 22, 2025 at 10:36 AM

REQUIRED



CERTIFIED ABUTTERS LIST

Date: December 19, 2024

Subject Property Location: 28 DRAPER AVE Arlington, MA

Subject Parcel ID: 69-2-15

Search Distance: 300 Feet

Parcel ID	Property Address	Owner 1	Owner 2	Mailing Address	City/Town	State	Zip
69-5-2	8 MYSTIC BANK	SABBIA LORNA R		8 MYSTIC BANK	ARLINGTON	MA	02474
69.A-3-35.1	35 DRAPER AVE UNIT 1	TARQUINIO PAUL DYER &	ELAINE DYER	35 DRAPER AVE UNIT 1	ARLINGTON	MA	02474
69.A-3-35.2	35 DRAPER AVE UNIT 2	TARQUINIO LUCI		35 DRAPER AVE #2	ARLINGTON	MA	02474
69-1-4	10 FAIRVIEW AVE	TRAVASSOS LUIS & ANA/ TRS	LUIS TRAVASSOS REVOCABLE TRUST	10 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-5	14 FAIRVIEW AVE	CRANE JOSEPH P JR	CRANE PATRICIA B	14 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-6	18 FAIRVIEW AVE	GREEN PAUL J	GOLDMAN AVIVAH	18 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-8	30 FAIRVIEW AVE	KALoustIAN DAVID J--ETAL	KALoustIAN MELISSA A	30 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-9	34 FAIRVIEW AVE	HAMEL WEINSTOCK SONIA--ETAL	HAMEL JEAN-FRANCOIS PIERRE	34 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-10	38 FAIRVIEW AVE	ADAMS PAUL M--ETAL	NICHOLAS MARJORIE L	38 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-11	42 FAIRVIEW AVE	DOWNIE DOUGLAS J & JACQUELINE	TRS/ DOUGLAS J DOWNIE TRUST	42 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-13	50 FAIRVIEW AVE	CHUNIAS JENNIFER L/ TRUSTEE	JENNIFER L CHUNIAS 2023 TRUST	50 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-2	7 FAIRVIEW AVE	ONOFRIO RICHARD &	BARTEK HEATHER	7 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-3	11 FAIRVIEW AVE	REYNISSON MIMIR &	AGATSTEIN SHARI	11 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-4	0-LOT FAIRVIEW AVE	LAWRENCE NATHANIEL	FEDORCHAK ALEXIS	21 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-5	21 FAIRVIEW AVE	LAWRENCE NATHANIEL	FEDORCHAK ALEXIS	21 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-6	25 FAIRVIEW AVE	WALSH ERIN E	DOHERTY SHAWNA M	25 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-7	29 FAIRVIEW AVE	SHAFFER ROBERT/EDDA	TRS/ R&E SHAFFER TRUST	29 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-8	33 FAIRVIEW AVE	BULKOVSHTEYN TANYA	THURSTON ROBERT C	33 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-9	39 FAIRVIEW AVE	ROSSMAN GABRIEL & SETAREH		39 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-10	45 FAIRVIEW AVE	TRVALIK BRUCE G & MARY B		45 FAIRVIEW AVE	ARLINGTON	MA	02474
69-2-11	42 DRAPER AVE	PIERCE JUDSON L/LAURA		42 DRAPER AVE	ARLINGTON	MA	02474
69-2-12	0-LOT DRAPER AVE	VAISHNAW AKSHAY K & ALISON C		36 DRAPER AVE	ARLINGTON	MA	02474
69-2-13	36 DRAPER AVE	VAISHNAW AKSHAY K & ALISON C		36 DRAPER AVE	ARLINGTON	MA	02474
69-2-14	32 DRAPER AVE	KINGSTON ROBERT E--ETAL	FEINBAUM RHONDA L	32 DRAPER AVE	ARLINGTON	MA	02474
69-2-15	28 DRAPER AVE	SINGH VIPENDER &	CASEY KELLY	28 DRAPER AVE	ARLINGTON	MA	02474
69-2-16	24 DRAPER AVE	CULVERHOUSE LYNETTE A		24 DRAPER AVE	ARLINGTON	MA	02474
69-2-17	20 DRAPER AVE	BOBROW ROBERT J--ETAL	SUSAN E CHASE	20 DRAPER AVE	ARLINGTON	MA	02474
69-2-18	16 DRAPER AVE	COCHRANE EMILY LOUISE &	DUNN ANDREW RICHARD	16 DRAPER AVE	ARLINGTON	MA	02474
69-2-19	12 DRAPER AVE	BRUSH HENRY T & LISA M		12 DRAPER AVE	ARLINGTON	MA	02474
69-2-21.A	259 MYSTIC ST	WONG S DEVELOPMENT LLC		112 BOLTON RD	HARVARD	MA	01451
69-3-2	11 DRAPER AVE	WOLF RICHARD K & KATHERINE F/ TRS	11 DRAPER AVENUE REALTY TRUST 189 of 200	11 DRAPER AVE	ARLINGTON	MA	02474

**CERTIFIED ABUTTERS LIST****Date: December 19, 2024****Subject Property Location: 28 DRAPER AVE Arlington, MA****Subject Parcel ID: 69-2-15****Search Distance: 300 Feet**

Parcel ID	Property Address	Owner 1	Owner 2	Mailing Address	City/Town	State	Zip
69-3-3	15 DRAPER AVE	WHITE BENJAMIN &	WHITE PATRICIA BOLAND	15 DRAPER AVE	ARLINGTON	MA	02474
69-3-4	17 DRAPER AVE	STANLEY DAVID F	STANLEY PATRICIA A	17 DRAPER AVE	ARLINGTON	MA	02474
69-3-5	23 DRAPER AVE	VITTERS DONALD C & BARBARA		23 DRAPER AVE	ARLINGTON	MA	02474
69-3-6	25 DRAPER AVE	VAISHNAW AKSHAY & ALISON C		36 DRAPER AVE	ARLINGTON	MA	02474
69-3-7	29 DRAPER AVE	SHEA JOSEPH F & EMILY G		29 DRAPER AVE	ARLINGTON	MA	02474
69-3-8	31 DRAPER AVE	DRAKE RICHARD W & DIANA F		31 DRAPER AVE	ARLINGTON	MA	02474
69-3-10	43 DRAPER AVE	WRIGHT CURTIS &	WRIGHT LISA WATRAS	43 DRAPER AVE	ARLINGTON	MA	02474
69-3-11	45 DRAPER AVE	MYERS JEFFREY O	BOWMAN MONIKKA L	134 REED ST	CAMBRIDGE	MA	02140
69-3-12	47 DRAPER AVE	GALLO MICHAEL V ETAL/ TRS	GALLO REALTY TRUST	47 DRAPER AVE	ARLINGTON	MA	02474
69-3-14	48 DAVIS AVE	HOLLEY JOHN C & LUCY		48 DAVIS AVE	ARLINGTON	MA	02474
69-3-15	44 DAVIS AVE	MILLS KATHERINE &	MILLS WILLIAM L JR	44 DAVIS AVE	ARLINGTON	MA	02474
69-3-16	40 DAVIS AVE	VYTINIOTIS ANTONIOS	YIGIT SEZIN	40 DAVIS AVE	ARLINGTON	MA	02474
69-3-17	36 DAVIS AVE	LAQUET BERTRAND	LAQUET CYNTIA CARBONE	36 DAVIS AVE	ARLINGTON	MA	02474
69-3-18	32 DAVIS AVE	NASER JOSEPH S--ETAL	NASER ELLEN LOUISE	32 DAVIS AVE	ARLINGTON	MA	02474
69-3-19	28 DAVIS AVE	WHITE TIMOTHY B & QUINN T/ TRS	WHITE FAMILY REVOCABLE TRUST	28 DAVIS AVE	ARLINGTON	MA	02474
69-3-20	24 DAVIS AVE	ZACCARDI MARION L	LIFE ESTATE	24 DAVIS AVE	ARLINGTON	MA	02474
69-3-22	10 DAVIS AVE	UPTON DAVID C & JEAN S	SICURELLA-UPTON JEAN M	10 DAVIS AVE	ARLINGTON	MA	02474
69-3-23	4 DAVIS AVE	HAGMAN WAYNE H		4 DAVIS AVE	ARLINGTON	MA	02474
69-4-4	15 DAVIS AVE	GHARAKHANIAN SHAHIN/TRUSTEE	GHARAKHANIAN REALTY TRUST	15 DAVIS AVE	ARLINGTON	MA	02474
69-4-5.A	17 DAVIS AVE	VOLK LAWRENCE C &	HOFFMAN HEIDI L	17 DAVIS AVE	ARLINGTON	MA	02474
69-4-6	23 DAVIS AVE	AUDET MATTHEW R & JANICE L		23 DAVIS AVE	ARLINGTON	MA	02474
69-4-7	27 DAVIS AVE	PADILLA CARMEN & FERNANDO		27 DAVIS AVE	ARLINGTON	MA	02474
69-4-8	31 DAVIS AVE	BOLICK LOUISA C / TRUSTEE	LOUISA C BOLICK 2020 TRUST	31 DAVIS AVE	ARLINGTON	MA	02474
69-4-9	35 DAVIS AVE	FLAHERTY THOMAS P & ALBA R/	LIFE ESTATE	35 DAVIS AVE	ARLINGTON	MA	02474
69-4-10	39 DAVIS AVE	SEBELSHAVIT TAL T& RACHEL		39 DAVIS AVE	ARLINGTON	MA	02474
69-5-1	4 MYSTIC BANK	SANDERS KATHY/SALERNO MELINA	TRS/THE SANDERNO TRUST	4 MYSTIC BANK	ARLINGTON	MA	02474
69.A-1-1	16 DAVIS AVE UNIT 1	KARAGIANES SEAN R	GUTHRIE EMILY D	18 DAVIS AVE	ARLINGTON	MA	02474
69.A-1-2	16 DAVIS AVE UNIT 2	FAHEY ANN		16 DAVIS AVE	ARLINGTON	MA	02474
71-2-4	11 BEVERLY RD	MOY KEN MIN / TRUSTEE	KEN MIN MOY REVOCABLE TRUST	1200 ELM ST UNIT 308	MANCHESTER	NH	03101
71-2-5	15 BEVERLY RD	WU KUN-TA	CHIU MIN-WAN	113 ADAMS ST	WESTBOROUGH	MA	01581
71-2-6	19 BEVERLY RD	TAWFIK JONATHAN ATEF	TAWFIK MONICA IBRAHIM	190 BEVERLY RD	ARLINGTON	MA	02474



CERTIFIED ABUTTERS LIST

Date: December 19, 2024

Subject Property Location: 28 DRAPER AVE Arlington, MA

Subject Parcel ID: 69-2-15

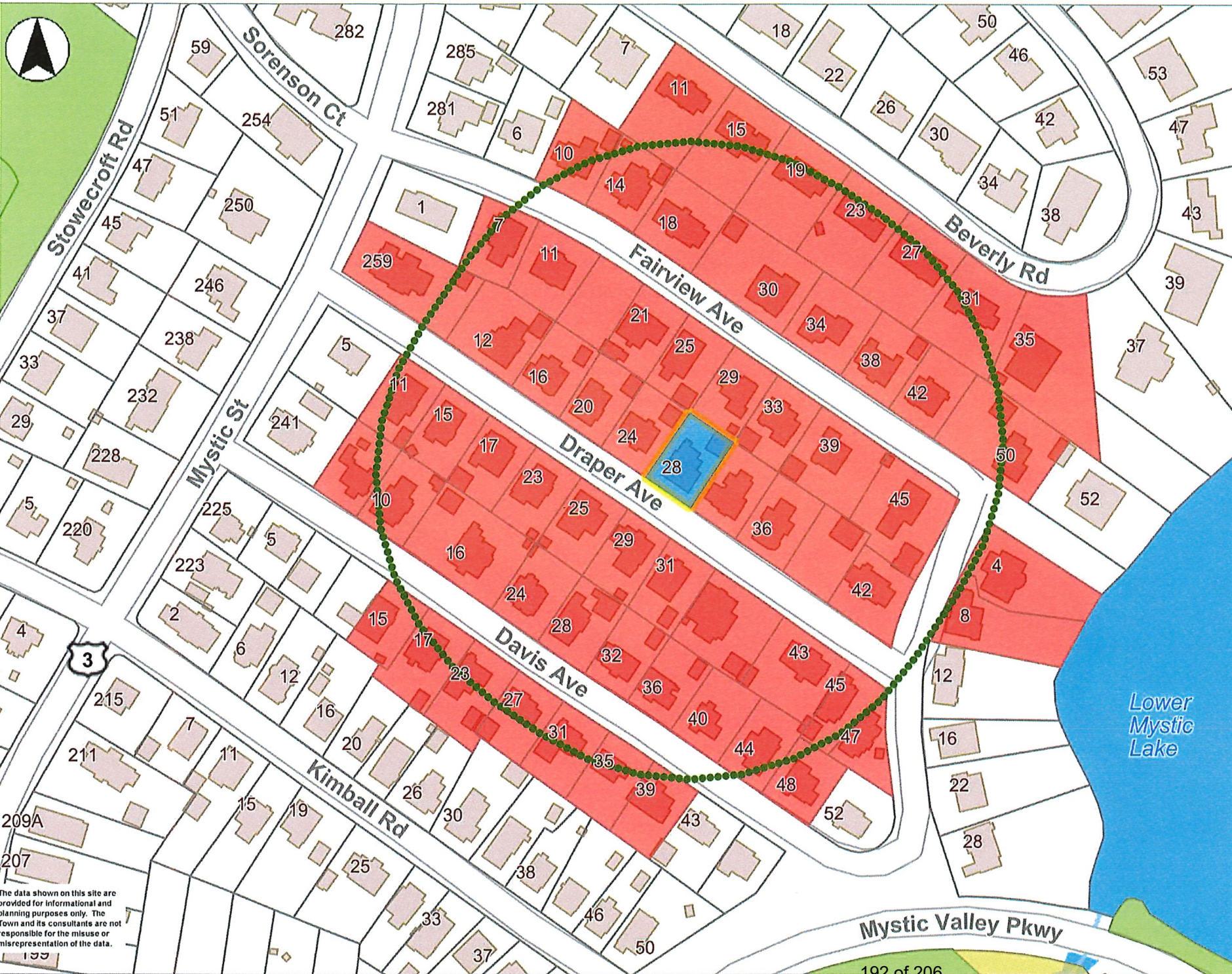
Search Distance: 300 Feet

Parcel ID	Property Address	Owner 1	Owner 2	Mailing Address	City/Town	State	Zip
71-2-7	23 BEVERLY RD	IYER GANESH &	IYER USHA	23 BEVERLY RD	ARLINGTON	MA	02474
71-2-8	27 BEVERLY RD	LORDAN JOHN/MARGARET		27 BEVERLY RD	ARLINGTON	MA	02474
71-2-9	31 BEVERLY RD	SIMONEAU MARIA R		14 MARION AVE	NORWOOD	MA	02062
71-2-10	35 BEVERLY RD	SCHNELLDORFER THOMAS	CHU MAYLENE	35 BEVERLY Rd	ARLINGTON	MA	02474

The Board of Assessors certifies the names and address of requested parties in interest, all abutters to subject parcel within 300 feet.



Town of Arlington
Office of the Board of Assessors
730 Massachusetts Ave
Arlington, MA 02476
phone: 781.316.3050
email: assessors@town.arlington.ma.us



- Places by Category
 - Police Station
 - School
 - Library
 - Public Works
- Recreation - Facilities
 - Recreation - Fields Cc
 - Recreation - Fields Cc
- Open Space: Conserv
- Open Space - Minuter
- Open Space - Labels
- Open Space
 - Town, State, or
 - Other Town Ow
- MA Highways
 - Interstate
 - US Highway
 - Numbered Rout
- Abutting Towns
- Town Boundary
- Parcels
- Buildings
- Cemetery - Roads
 - Road1
 - Road2
 - Road3
 - Road4
- Pavement Markings
 - Impervious Surface - I
 - Street
 - Sidewalk
 - Street Island
 - Driveway
 - Parking Lot
 - Bike Path
- Roads - For Large Sci
- Roads - For Small Sci
 - Major Road
 - Local Road
- Master Plan Base Map
 - Water Line
 - Water Body

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

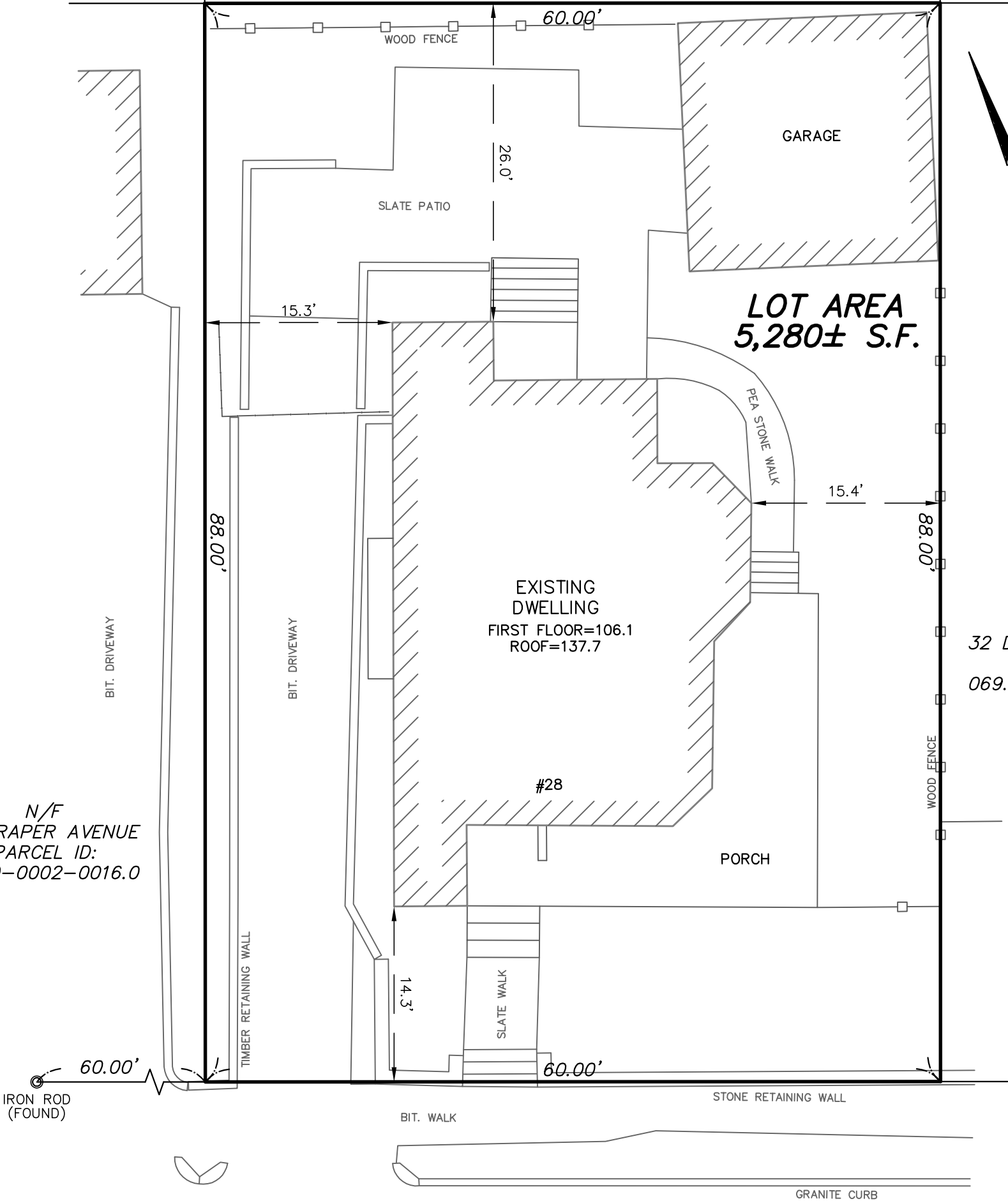
N/F
25 FAIRVIEW AVENUE
PARCEL ID:
069.0-0002-0006.0

N/F
29 FAIRVIEW AVENUE
PARCEL ID:
069.0-0002-0007.0

N/F
33 FAIRVIEW AVENUE
PARCEL ID:
069.0-0002-0008.0

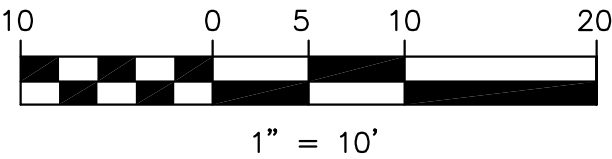
N/F
24 DRAPER AVENUE
PARCEL ID:
069.0-0002-0016.0

N/F
32 DRAPER AVENUE
PARCEL ID:
069.0-0002-0014.0



DRAPER AVENUE
(PUBLIC - 40' WIDE)

GRAPHIC SCALE



ZONING SETBACKS: RES.-A

RECORD OWNER:

VIPENDER SINGH & KELLY CASEY
BOOK 68596, PAGE 573

PLAN REFERENCE:

LOT 39 ON PLAN BOOK 64, PLAN 1

I HEREBY CERTIFY THAT THIS PLAN IS BASED
ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE
GROUND IN NOVEMBER 2024 AND THE STRUCTURES
DEPICTED HEREON ARE LOCATED AS SHOWN.



PLOT PLAN
28 DRAPER AVENUE
ARLINGTON, MASSACHUSETTS
PARCEL ID: 069.0-0002-0015.0

11-24-24
DATE

Scott M. Cerrato
SIGNATURE

SCOTT CERRATO, PLS
51 WAREHAM STREET
MEDFORD, MA. 02155
193 of 206

NOVEMBER 24, 2024
PHONE: (781) 775-3724
www.cerrato-survey.com

Proposed Relocation of Existing Barn at 28 Draper Ave.

- Z-0 Zoning Worksheet, Plot Plan
- Z-1 Zoning Site Plan / 1st Floor Plan
- Z-2 Zoning 2nd Floor Plan
- Z-3 Zoning Attic Plan
- Z-4 Zoning Elevations - Front
- Z-5 Zoning Elevations - Left
- Z-6 Zoning Elevations - Rear
- Z-7 Zoning Elevations - Right



Existing Street Facade



Existing Left Facade



Existing Barn Entry Facade



Existing Rear Facade

John Lodge Architects
56 Aberdeen Ave. Cambridge, MA 02138
T: 617.308.3037
E: john@johnlodgearchitects.com

Project No.: 2405.01
Date: 24-12-15
Scale:

Revisions

No.	Date
1	
2	
3	
4	
5	
6	

28 Draper Ave.
Arlington, MA

Zoning Worksheet			
District	R1		
	Required	Actual	Proposed
1st Floor SF		1027 / 400 SF = 1427 SF	1379 SF
2nd Floor SF		946 / 275 SF = 1221SF	1211 SF
3rd Floor SF		230 SF	230 SF (No Change)
Total		2878 SF (Including Barn)	2820 SF
Min. Lot Size	6000 S.F.	5280 SF	
Min. Lot Frontage	60 Ft.	60 Ft.	No Change
Min. Front Yard	25 Ft.	14.3 Ft.	No Change
Min. Side Yard	10 Ft. / (6 Ft. Access. Bldg.)	15.3 Ft. / 15.4 Ft. / .16 Ft.	15.3 Ft. / 15.4'
Min. Rear Yd.	17.6 Ft. / (6 Ft. Access. Bldg.)	26 Ft. / .75 Ft.	11.8 Ft.
Max. Hgt.	35 Ft. / 2.5 Stories	31.6 Ft.	No Change
Landscaped Open Space	10% (528 S.F.)	47.8 % (2,525 S.F.)	49.0 % (2,588 S.F.)
Usable Open Space	30% (1,584 S.F.)	19.3 % (1,018 S.F.)	20.2% (1,042 S.F.)
Max. Lot Coverage	35% (1,848 S.F.)	33.9% (1,789 S.F.)	32.7% (1,725 S.F.)
8.1.3.D	Accessory Dwelling Unit		
8.1.4.D	Moving Non-Conforming Structure		
8.1.6.A	Rear Yard Setback		

28 Draper Ave.
Arlington, MA

Z-0

Project No.: 2405.01
Date: 24-11-06
Scale: 1/8" = 1'-0"

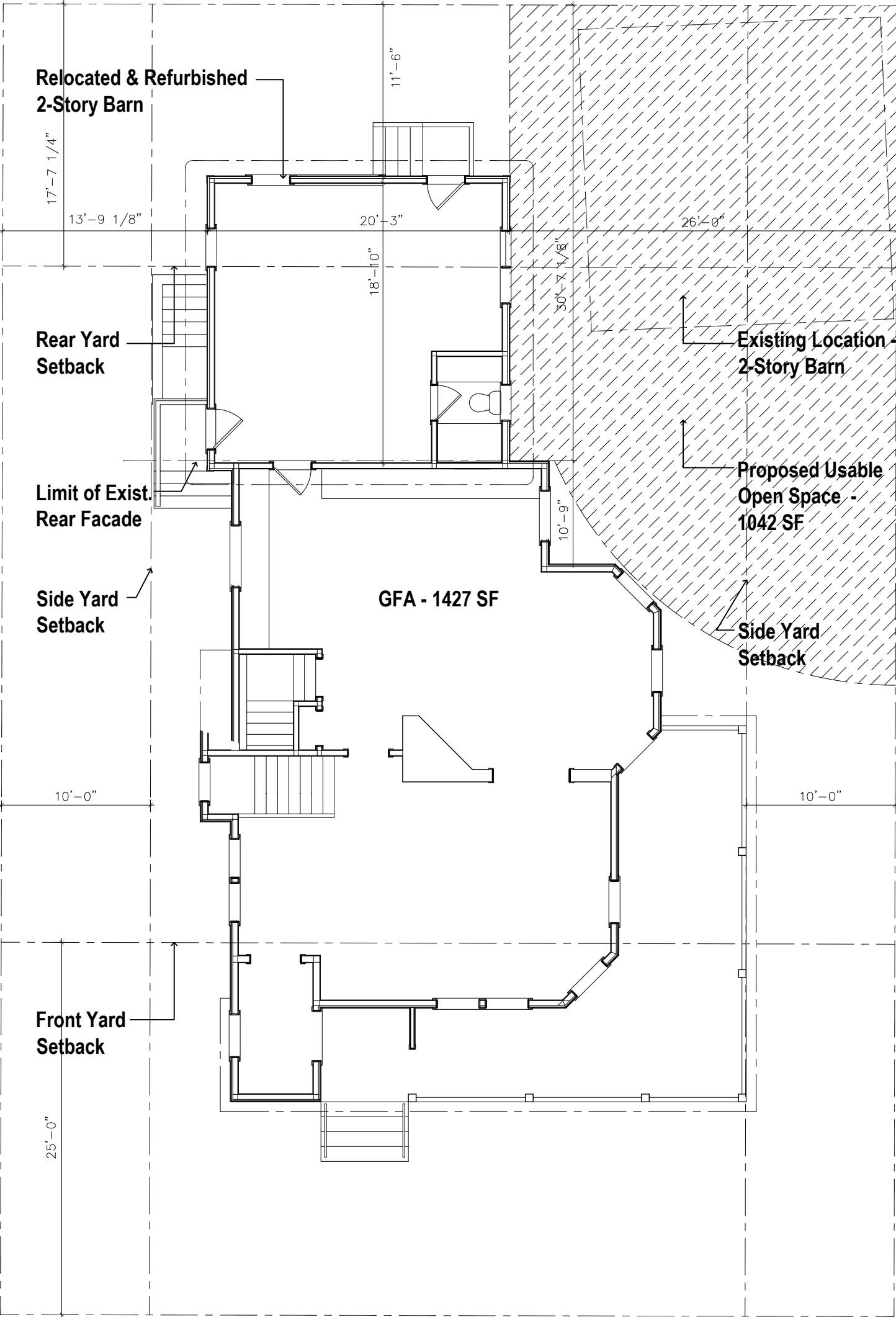
Revisions

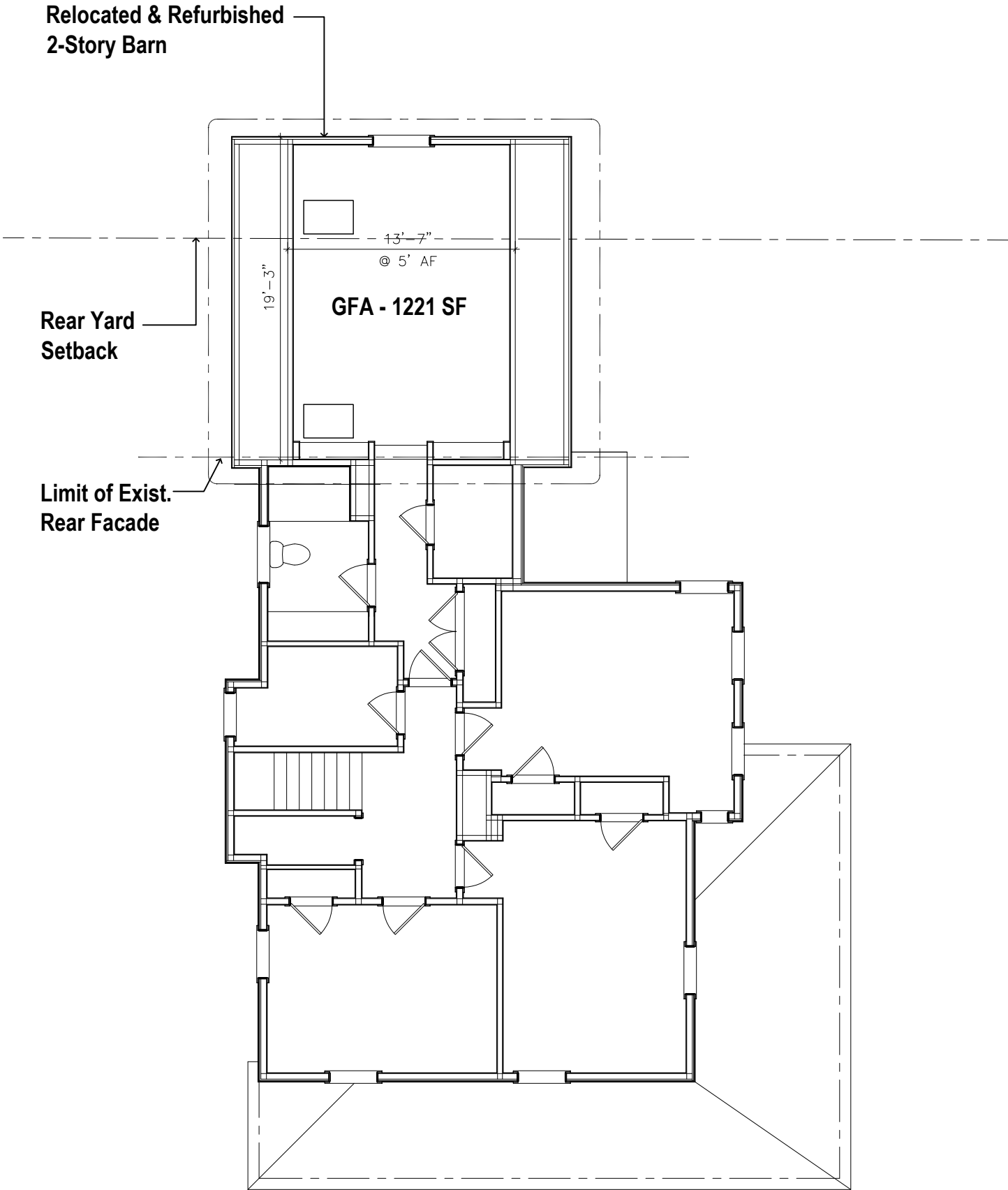
No.	Date
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2	
3	
4	
5	
6	

John Lodge Architects

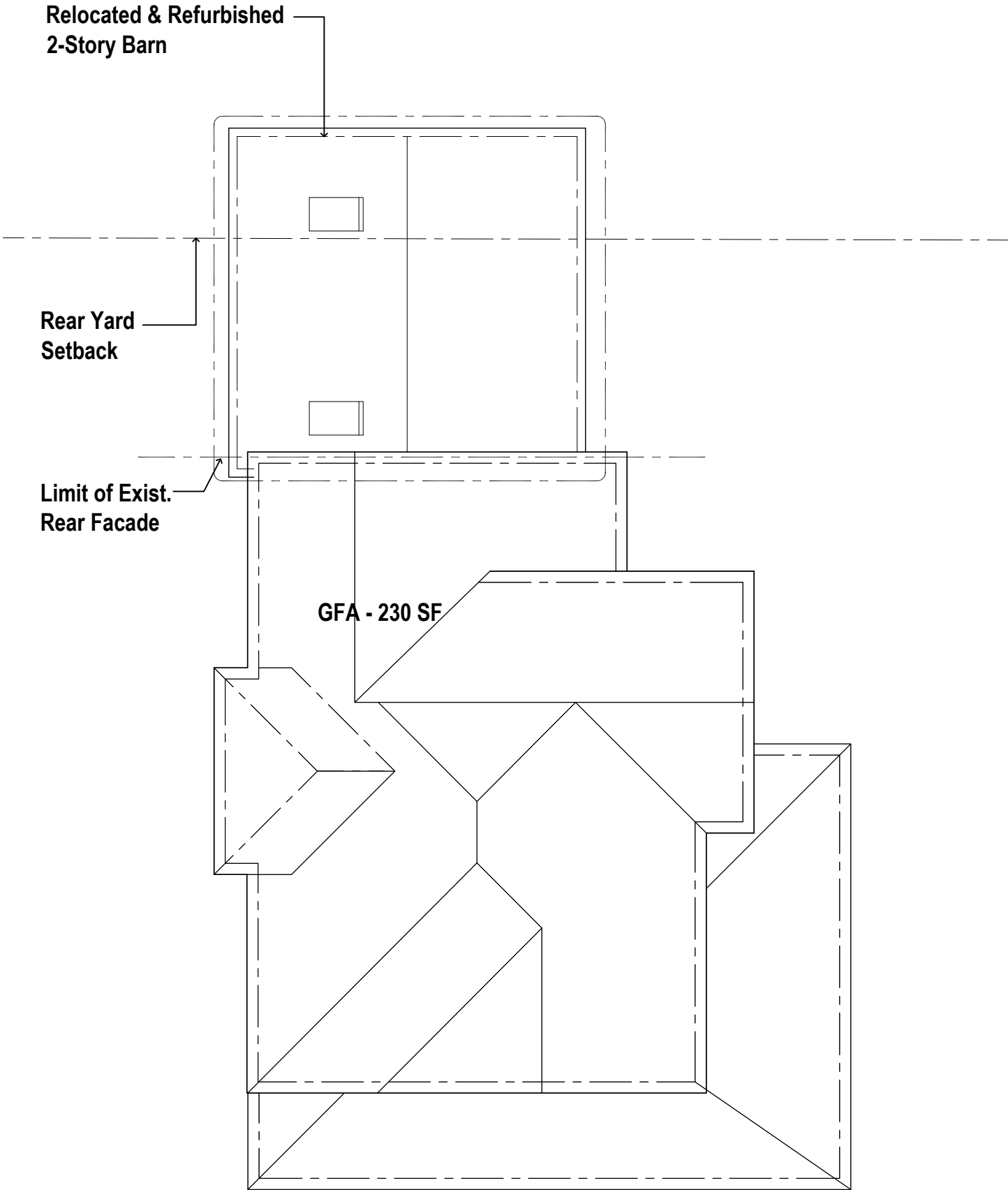
56 Aberdeen Ave.
T: 617.308.3037
E: info@johnlodgearchitects.com

Zoning Worksheet





No.	Date
1	
2	
3	
4	
5	
6	

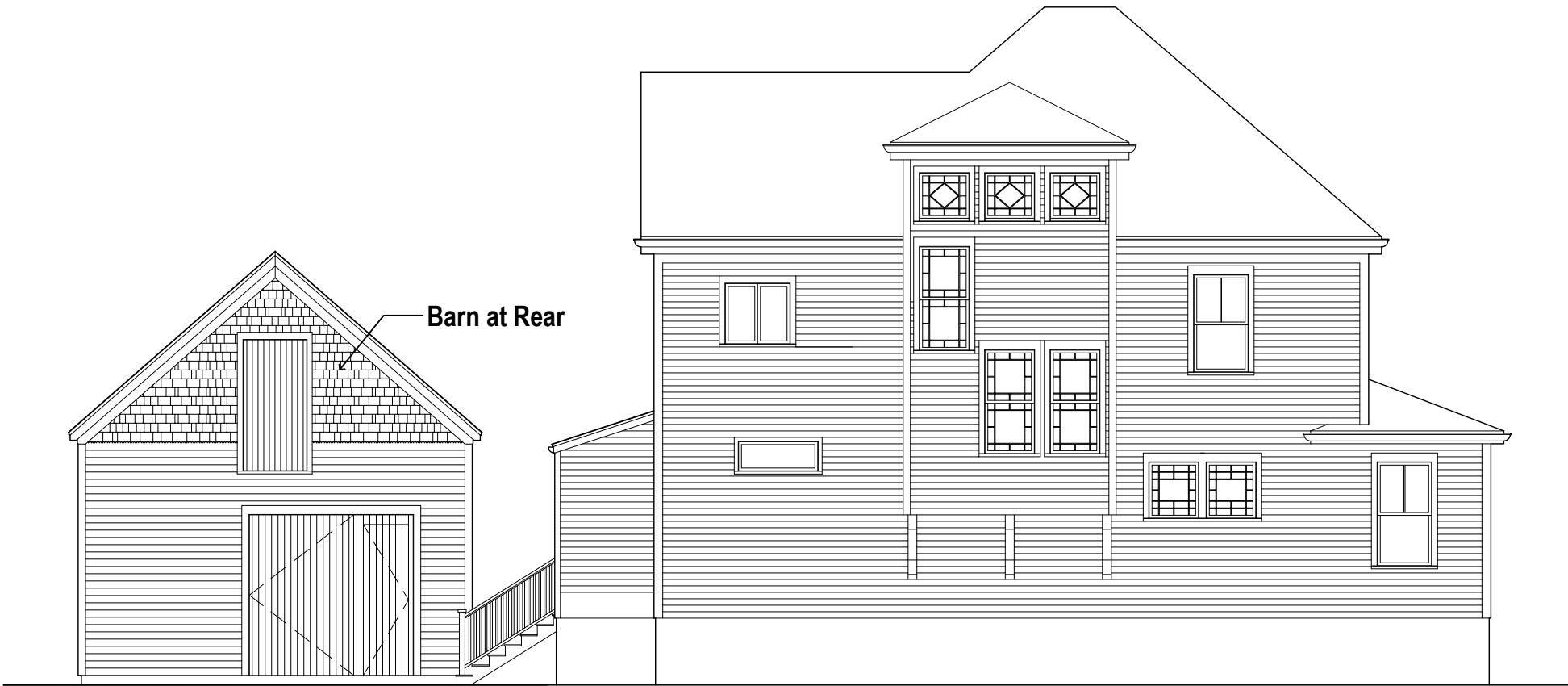




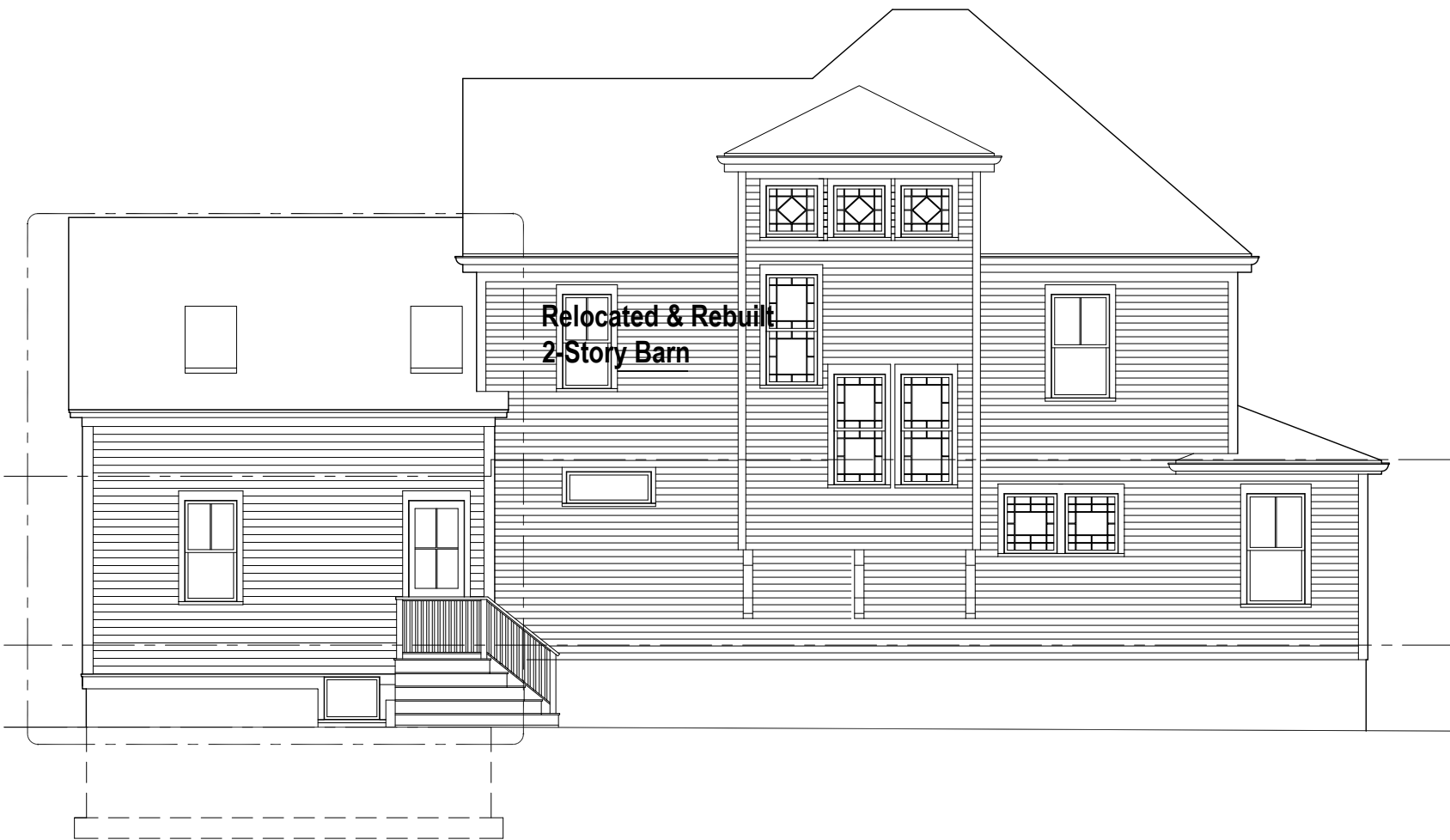
Existing Front Elevation



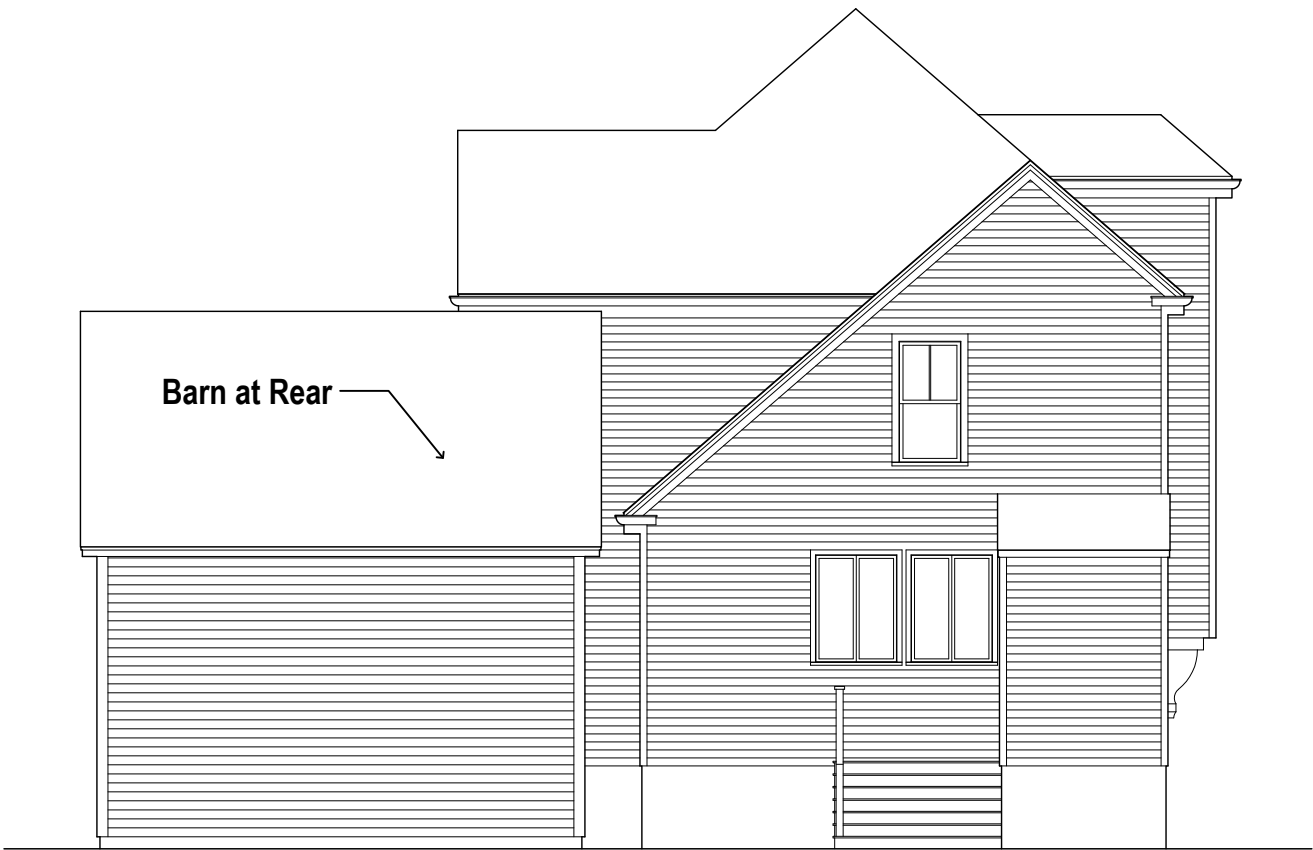
Proposed Front Elevation



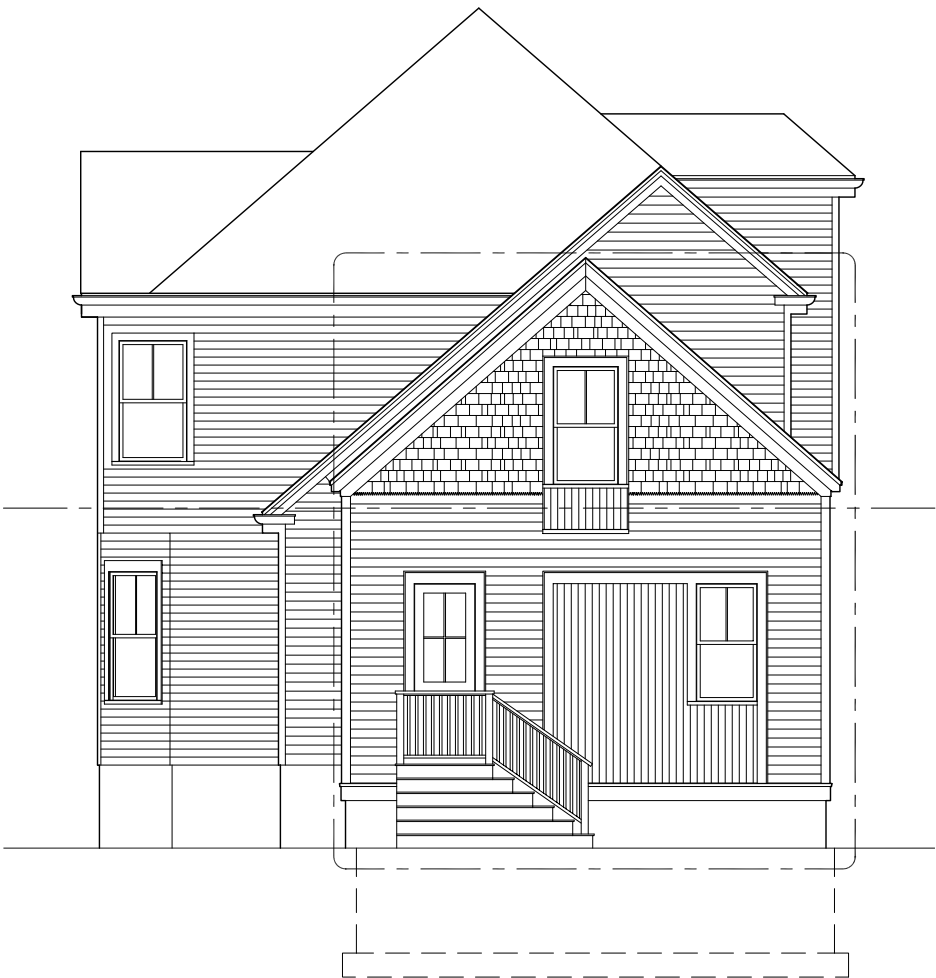
Existing Left Elevation



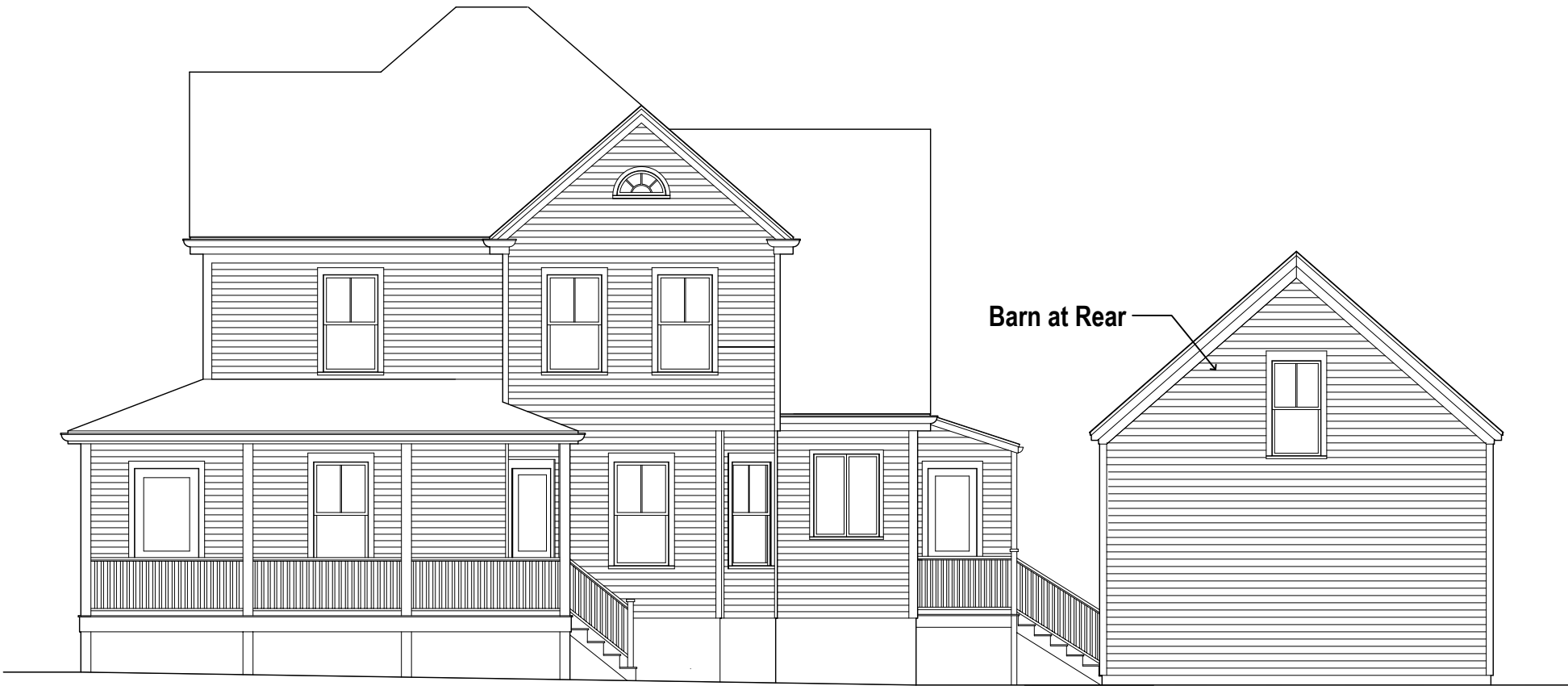
Proposed Left Elevation



Existing Rear Elevation



Proposed Rear Elevation



Existing Right Elevation



Proposed Right Elevation

Message received about 28 DRAPER AVE

From Town of Arlington, MA <noreply@opengov.com>

Date Mon 2/10/2025 1:34 PM

To ZBA <ZBA@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Town of Arlington, MA

John Lodge commented on Create Docket Number:

Message: "Hi Colleen, I'm very sorry to ask at the last minute, but can we be re-scheduled to the next meeting? I have a family emergency I have to take care of tomorrow. All the best, John"

Where: 28 DRAPER AVE

Type: Special Use Permit Application (ZBA)

Number: SP-24-36

[View Details](#)



Powered by OpenGov







John Lodge

Mar 10, 2025 at 11:01 am

Dear Colleen,

I spoke with Michael Ciampa this morning about our project and based on our discussion, I think we should postpone our appearance before the BZA.

All the best,

John

206 of 206